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VOLUME II

TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1960

No. 161

ARTHUR CULOMBE, PETITIONER

vs.

CONNECTICUT

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF ERRORS OF THE STATE OF CONNECTICUT

PETITION FOR CERTIORARI FILED MAY 12, 1960

CERTIORARI GRANTED JUNE 20, 1960

State of Connecticut

Supreme Court of Errors

HARTFORD COUNTY

OCTOBER TERM, 1958

4717

STATE OF CONNECTICUT

vs.

JOSEPH L. TABORSKY

and

ARTHUR CULOMBE

JOINT APPENDIX OF APPELLANTS AND APPELLEE

VOLUME 2 OF 3

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JUNE 11th, 1957. 3:30 P.M.

THE COURT: Bring in the accused, Sheriff.

(Accused present.)

(Jury and alternates not present.)

MR. BILL: I am presenting you, Mr. McDonough, with a book from the State Police Headquarters. It says "Record, February 7th, 1956 to 6-2-57," and perhaps Lieutenant Rome can clear up just what it is. I don't know anything further.

SAMUEL ROME, on the witness stand.

CROSS EXAMINATION BY MR. McDONOUGH: (RESUMED)

Q. Will you look at this book, Lieutenant, please, and tell us what it is? A. That is the log book of Station H barracks, Hartford.

Q. And under whose charge is that log book?

A. It would be under Lieutenant Albert Kimball's charge.

Q. Is that the book used for booking the prisoners?

A. No, sir.

Q. Is there another book? A. No, sir.

Q. How are the prisoners booked? A. We don't book them. We make note when they are locked up at the barracks.

Q. The testimony is by yourself and by Sergeant Paige that Culombe and Taborsky were booked Saturday night.

MR. BILL: I thought the word, Your Honor, was "arrested", I don't know.

MR. McDONOUGH: Booked, as I recall.

THE COURT: My recollection is the same as Mr. McDonough's but it may not be correct.

MR. BILL: I know the word "arrested" was in there.

THE COURT: I am sure the word "booked" was too.

MR. McDONOUGH: I am certain. How about you, Mr. Burke?

MR. BURKE: I thought so but I will check it here.

THE COURT: You may proceed with your examination.

Q. Thisis a log book? A. Yes, sir.

Q. And there is no other book over there used for booking or making entries of prisoners at all?

A. Not to my knowledge.

Q. Is that right? A. Yes, sir.

Q. Unfamiliar as I am with State Police Headquarters, even though I have talked about the boiler room and the Captain's chair and those other things, how are the prisoners presented when they are placed under arrest, say for not murder, but an ordinary crime, locked up. How are they booked for Court in the morning?

A. We don't book them at the barracks. They are informed of their arrest, the Sergeant in charge or Lieutenant in charge is informed of the proceedings of the case, that the arrest has been made and the officer gets the evidence together and he appears in court.

MR. McDONOUGH: For the purpose of identifying this for the record and offering it for identification, Your Honor, I describe it as a log book, Lieutenant?

THE WITNESS: That's what I'd call it, yes, sir.

MR. McDONOUGH: May it be marked for identification, Your Honor?

THE COURT: The Defendant Culombe's Exhibit 2 for identification.

MR. BILL: Now, Your Honor, on the question of—

THE COURT: Just a moment.

(State Police Log Book marked "Defendant Culombe's Exhibit 2 for Identification").

MR. BILL: I have no remarks. I thought that there were some remarks coming up, but apparently not.

Q. Page 127, does that refer to Joseph Taborsky and Arthur Culombe, of Defendant's Exhibit 2? A. Yes, sir.

Q. Defendant Culombe's Exhibit 2. On Saturday, February 23rd, when it has been testified that Culombe and Taborsky were booked, will you look through Defendant Culombe's Exhibit 2 and see if there is any entry, booking or otherwise, in regard to Culombe or Taborsky?

A. No, sir.

Q. Between the 23rd and the 28th are there any entries regarding Culombe and Taborsky, outside of page 127? A. I don't find any.

Q. Thank you. It has been testified here that they were booked under Section 195d of the Supplement, 1955 Supplement to the Connecticut General Statutes, for suspicion of felony on Saturday, September 23rd, and the Exhibit doesn't show that to be so, does it? You have examined the exhibit? A. My recollection is, Mr. McDonough, that I arrested them and charged them with violation of that section.

Q. I am telling you, Lieutenant, that the record shows —the transcript shows that on the 23rd of February, 1957, Taborsky and Culombe were booked and charged under Section 195d of the 1955 Supplement with suspicion of committing a felony. Now, you have looked at the log book and it doesn't show any such entry, isn't that so?

A. The log book shows no such entry. That is correct.

Q. Is there anything else in the State Police Headquarters, to your knowledge that shows a booking under a charge of suspicion of committing a felony? A. My reports would.

Q. Your reports? What reports?

A. The reports I made to the State's Attorney.

Q. And that is after the conclusion of the case?

A. Yes, sir.

Q. But not during the case, there are no records of the department bearing out the testimony of yourself and Sergeant Paige, or especially yourself, that these men were booked and charged under the belief that they committed a felony? There isn't any record of such a thing?

A. I find no record.

Q. Well, you so testified, didn't you? A. I did.

Q. Then did you book them with a charge of suspicion of committing a felony? A. I arrested them and charged them with that.

Q. You charged them with that? A. Yes, sir.

Q. You said that you had them booked for it. Have you any records of the State Police Department—

MR. BILL: Now, you are going to check that with the transcript.

MR. McDONOUGH: I haven't finished.

THE COURT: I will sustain it until you show the record, showing it, because I am not clear, Mr. McDonough. The witness has testified this afternoon only to having arrested them.

MR. McDONOUGH: It is being checked.

THE COURT: Why don't you go on to something else and we will come back to it.

Q. We will come back to Mrs. Culombe's visit to headquarters again and her being present with Culombe or Taborsky or anyone else, and you say that it was only—there were two nights before the confessions, or two occasions that Mrs. Culombe was brought to State Police Headquarters. One was the occasion when she confronted

Taborsky and what was the other occasion?

A. I have no recollection that I stated that there were only two times.

Q. Were they—if I am wrong, correct me. Were there two times? A. Two or three times.

Q. At least there were two times and maybe three times she was brought to police headquarters?

A. Yes, sir.

Q. Before he made the confession? A. No, sir.

Q. I know that was the question. A. No, sir.

Q. I know that was the question. We probably misunderstand each other. A. We certainly do.

Q. How many times before Culombe made the confession was Mrs. Culombe brought to headquarters?

A. I am of the opinion it was only one time.

Q. And wasn't that Sunday night? A. That was Tuesday night.

Q. Did you question Culombe Sunday night?

A. I must have.

Q. You don't recall? A. No, I have no definite recollection.

Q. Sergeant Paige questioned her, didn't he, Sunday night? A. Questioned who?

Q. Culombe, from a list of the so-called crimes that were committed, and then you entered the questioning?

A. That was Wednesday afternoon.

Q. I am talking about Sunday night. Did that also happen on Wednesday? A. I have no recollection that it took place on Sunday night.

Q. Just to refresh your recollection, didn't Sergeant Paige question Culombe Sunday night?

A. He may have.

Q. And at some time when Sergeant Paige was questioning Culombe, weren't you questioning Mrs. Culombe in the next room? A. No, sir.

Q. Did at any time you say to Mrs. Culombe "Do you want to see your husband?" Or did you ask her if she wanted to see her husband while in State Police Headquarters? A. May I have that question?

THE COURT: Yes, read it, Mr. Burke.

(Last question read by reporter.)

A. I may have said that.

Q. And did she reply to you "What the hell do I want to see him for? We don't get along together too well. Let's get on the ball right here. My two kids are all alone."

A. I don't remember that, no, sir.

Q. Would you say that she didn't say it to you?

A. I would say that she didn't say it. I don't remember her saying it.

Q. Which is it? She did not say it or you just don't remember. A. She did not say it.

Q. She did not say it? Did she at any time tell you, when she was being questioned by you in police headquarters, State Police Headquarters, that her two kids were all alone? A. No.

Q. Had you had her taken out of the house and brought to police headquarters and the children left alone? A. No.

Q. Did you say to Mrs. Culombe, "We will let you go home after we know that you are helping us and you are telling us the truth?" A. No, sir.

Q. Did Mrs. Culombe help you? A. Indirectly, yes.

Q. Did you ask her to help you? A. Yes.

Q. Did you talk to her about some groceries, some canned goods? A. I have no recollection of that.

Q. I think that it has been testified by Sergeant Paige that there was discussion about canned goods with Mrs. Culombe? A. That was Sergeant Paige's testimony. Yes, sir.

Q. Didn't you question Mrs. Culombe about canned goods? A. I have no such recollection.

Q. Will you say that you did not? A. I have no such recollection.

Q. Then you won't say that you did not?
A. I don't know.

Q. It is possible that you did? A. Remotely.

Q. Even remotely? A. I don't remember.

Q. Didn't you threaten her with a charge of conspiracy about the theft of canned goods if she didn't come clean and start talking? A. No, sir.

Q. Did you discuss a charge of conspiracy in regard to the canned goods? A. No, sir.

Q. At the time that Mrs. Culombe was in the office being questioned by you wasn't she crying? A. No, sir.

Q. You say that positively? A. Positively.

Q. Didn't she say to you "If I had a baseball bat I would give it to the whole dam bunch of you?" A. Never, No, sir.

Q. Wasn't another State policeman in the room when you were questioning Mrs. Culombe?
A. I didn't question Mrs. Culombe at police barracks.

Q. Did you talk to Mrs. Culombe in the police barracks? A. Yes, sir.

Q. Then we will drop the distinction of questioning and talking to her. When you talked to Mrs. Cuolmbe in in the police barracks were there other state policemen in the room? A. Doris Murtha, state policewoman, yes, sir.

Q. How about state policemen? A. I can't recall.

Q. Was Mrs. Culombe called—addressed as "Mrs. Culombe" by any of the state policemen, or as "Dottie"?
A. Not to my knowledge.

Q. Did you hear a state policeman say to Mrs. Columbe, "You don't mean that, Dottie. I'll take you home soon." A. No, sir.

Q. And did she say "Just take me out of the door and I will be satisfied." A. No, sir.

Q. Wasn't that all done in the presence of Culombe?
A. No, sir.

Q. Well, she did confront her husband, didn't she?
A. Yes, sir.

Q. There are only certain things that you remember about the conversation with her husband, between she and her husband, isn't that so, Lieutenant? A. I don't know that that is so.

Q. You do remember a conversation between Mrs. Culombe and Mr. Cuolmbe, don't you?
A. I remember her accusing her husband.

Q. Do you remember all the conversation between Mrs. Culombe and her husband? A. I couldn't say that I do.

Q. You do remember that she accused her husband, as you say? A. I remember that. Yes, sir.

Q. Do you remember the husband's reply?
A. Yes, sir.

Q. And what was his reply? A. "I can't confess to this because if two people go out and hold up a place and one man kills the man inside, I'd be just as guilty."

Q. How long did the conversation between the husband and wife last?

A. A very short time.

Q. How long? A. Ten or fifteen minutes.

Q Ten or fifteen minutes? Now, do you mean it took Mrs. Culombe and Mr. Culombe ten or fifteen minutes to say merely what you have told us? A. And Culombe's reply.

Q. How long did it take him to do that?

A. There were other words spoken.

Q. How long did it take him to make that statement that you just made?

A. Ten or fifteen minutes.

Q. Repeat that statement that he made.

MR. BILL: Your Honor, I object at this point. We have covered, when the Lieutenant was on the stand before we covered thoroughly by direct and cross the period that covered Saturday on through Sunday and now we started in on the confession of Wednesday, including all of the days down through there. We have gone back through it, it is repetitious. We've gone over it, Your Honor, when he was on cross, and I sat here patiently letting him go through it. I don't think that he has a right to, but I let him, knowing that the case is important and giving him the extensive privilege of cross examination. But I don't think that it ought to go any further, Your Honor. He has been over and over this thing, and he has been over it before.

MR. McDONOUGH: This is expressly for the purpose of the vehicle that is to carry this piece of paper, this Exhibit

for identification, to admissibility. Anything that dwells on the manner of obtaining this statement is admissible on direct examination by the State and certainly on cross examination by the defense and should be in the record.

THE COURT: Of course, Mr. McDonough, I don't believe anyone would question your law, but it does seem to me that you have gone over this matter pretty exhaustively and it becomes a matter of discretion, and really the Court could figure out how long it took to make that statement. The officer has repeated it at least twice and I think the terminal facilities have been explored, without meaning to be critical.

MR. McDONOUGH: I certainly don't want to prolong this, for reasons that we all know.

THE COURT: And I don't want you to cut it short just for the sake of speed, but it does seem that some of these facts should be fairly clear.

MR. McDONOUGH: I agree with Your Honor thoroughly.

Q. Lieutenant Rome, they did say other things, that's what you are telling us? It boils down to that, doesn't it?
A. Yes, sir.

Q. But you don't remember what they said?
A. No, sir.

Q. So that it is possible, if testimony is introduced regarding a conversation, it could have happened and you don't remember it? A. It is possible.

MR. BILL: Mr. McDonough, I present to you the Police Department record of New Britain, Connecticut, showing February 25, 1957, at 12:13 p.m.

MR. McDONOUGH: Thank you.

MR. BILL: Showing the booking of Albert Taborsky and Arthur Culombe, is that what you requested?

MR. McDONOUGH: Thank you. May that be marked Culombe's Exhibit for Identification, Your Honor?

THE COURT: Three for identification.

(Record of New Britain Police marked "Defendant Culombe's Exhibit 3 for Identification").

MR. BILL: And then I present to you certified copies of the Police Court of the City of New Britain, one showing the matter of presentation on breach of peace against Arthur Culombe, and the final result in that case, as well as another document from the same court showing the charge of — the warrant of Joseph Taborsky for breach of peace signed February 26th, 1957, and the ultimate results and proceedings in that case.

THE COURT: I suppose that last one should be tendered to Mr. Burke. He requested it.

MR. McDONOUGH: Is this the original record or a copy?

MR. BILL: That is a certified copy.

MR. McDONOUGH: May the certified copy of the information presented in the New Britain Police Court on the 26th day of February, 1957 in the case of Arthur Culombe be marked for identification?

THE COURT: Exhibit 4 for identification.

(Certified copy of warrant of Arthur Culombe marked "Defendant Culombe's Exhibit 4 for identification").

Q. Lieutenant Rome, while we are talking about the New Britain Police Court, you were there when they were presented in court on Tuesday morning? A. Yes, sir.

Q. Do you know whether or not there was a stenographer taking the proceedings? A. I don't know.

Q. Defendant Culombe's Exhibit 2, for identification, will you look at it, Lieutenant, and — I'll withdraw that. When was Culombe locked up after he was taken into custody? A. Saturday night.

Q. That was February 23? A. Yes, sir.

Q. Would you look at Defendant's Exhibit 2 for identification—Culombe's Exhibit 2, and see if it doesn't say he was locked up at 2:00 P.M. on the 25th—a Monday?
A. Yes, sir

Q. Well, when was he locked up? A. Both times.

Q. Is there an entry on the 23rd of him being locked up? A. No, sir. That is an omission or an error.

Q. That's an omission or an error of the records of the State Police Department? A. No, sir, my own.

Q. It is an error of yours, and you are a Lieutenant of the State Police Department, so naturally it becomes an error of the Department. A. I am responsible for it.

Q. Why didn't you make an entry on Saturday — the 23rd after they were locked up? A They were locked up, and it is my recollection that I asked the Officer to look in on the prisoners downstairs. I omitted, obviously, to make a note of it in the log.

MR. McDONOUGH: May we be excused for a moment, Your Honor?

THE COURT: Surely.

Q. Now, on Tuesday morning, Lieutenant, you took Taborsky and Culombe to New Britain, didn't you?
A. Yes, sir.

Q. And you took them on Monday morning to be booked down there at headquarters? A. Yes, sir.

Q. Brought them down there about nine o'clock, didn't you? A. You are talking about nine o'clock?

Q. Yes. A. No, sir.

Q. What time did you bring them down?
A. I am of the opinion it was around noon.

Q. When they were brought down there there were crowds of people across the street from the New Britain Police Headquarters and crowds on the same side of the street as Police Headquarters—crowds on both sides of the street, isn't that so? A. Yes, sir.

Q. When you brought them out of their cells on Monday morning, did you say to Taborsky and Culombe, "If you fellows want counsel you have a chance to get them this morning."?
A. I don't remember saying that, Mr. McDonough.

Q. You won't say you did not? A. I won't say I didn't.

Q. Did you bring them first into the Police Headquarters or into the Detective Bureau—and that is next door to Police Headquarters, isn't it? A. That's right.

Q. In a different building adjacent to Headquarters. Did you bring them into the Detective Bureau first?
A. I am of the opinion that is where I first brought them, yes.

Q. And later on you brought them into Police Headquarters? A. Yes.

Q. And had them booked, and later brought them to Identification Headquarters and had them fingerprinted and photographed? A. Yes, sir.

Q. But they were also photographed in the Detective Bureau, weren't they? A. I don't know.

Q. Weren't you there with the men, the defendants? A. Most of the time.

Q. Weren't they sitting there at metal desks on a metal chair in the Detective Bureau? A. I don't remember.

Q. Well, weren't there newspapermen and television and cameras allowed to photograph them while they were in the Detective Bureau? A. Not in the Detective Bureau. That was up at the courtroom

Q You mean it was in the courtroom where they were presented that the TV cameras and motion picture cameras and flashlight cameras were being used in the courtroom to take pictures of these men when they were being presented? A. I didn't say that.

Q. Did that happen? A. No.

Q. Are you sure it didn't happen? A. Yes, sir.

Q. Are you sure there were TV cameras in the courtroom? A. I saw a couple of flashbulbs.

Q. When they were put in the prisoners' pen in the rear of the courtroom the photographers were taking their pictures, weren't they? A. I don't know.

Q. You have seen the pictures in the papers, haven't you? A. Not in the pen.

Q. You were in the courtroom? A. I was in the courtroom, yes.

Q. Then you brought them back to Hartford and had them down in the barracks? A. Yes, sir.

Q. And whose cruiser was Culombe in?
A. I don't know.

Q. A cruiser that you were in—were you in the same cruiser? A. I don't think so. I think I was with Taborsky most of the time.

Q. Did the cruiser stop at Kurp's gas station on the way back? A. Yes, sir.

Q. Drove into the yard? A. Yes, sir.

Q. Did you ask Culombe any questions when the cruiser drove into the yard? A. Yes, sir.

Q. Did you ask him if he recognized the place? A. Yes, sir.

Q. Didn't he answer No? A. Yes, sir.

Q. Didn't you ask him if he had been up there before?

A. Yes, sir.

Q. And he answered No? A. Yes, sir.

Q. Was there a New Britain detective in the car with Culombe that pulled into the gasoline station? A. I don't believe so.

THE COURT: May I have that question and answer again?

(The Reporter read the last question and answer.)

Q. Then you came back to the barracks and Culombe was locked up for a while and you resumed the questioning, that's true isn't it? A. Yes, sir.

Q. Did you ask him if he read the morning newspaper and he told you he didn't have a newsboy and besides, he couldn't read? A. I don't remember that.

Q. Did you tell Culombe in that period of questioning on Tuesday afternoon that there was evidence that one of the guns that had been found along with Culombe had been used in a New York murder? A. No, sir.

Q. Did you discuss a New York murder with Culombe? A. Yes, sir.

Q. Did you tell him there were New York detectives on the way to talk to him? A. No, sir.

Q. What discussion did you have with Culombe about that? A. I asked him if he committed a murder in New York.

Q. And he hasn't changed his testimony about that? A. No, sir.

Q. And as far as you know, he isn't connected with the New York murder? A. No, sir.

Q. Tuesday night he was questioned further, wasn't he? A. Tuesday night he was taken to the County Jail.

Q. Before he was taken there he was questioned, wasn't he? That was the night Mrs. Culombe was at headquarters? A. Yes, sir.

Q. And you and he had some difficulty that night, didn't you? A. No, sir.

Q. He then was taken downstairs and later removed to the jail, wasn't he? A. Yes, sir.

Q. It was at his request he was removed to the jail? A. No, sir.

Q. Did you hear Sergeant Paige testify that he sobbed while he was in his cell? A. I did.

Q. Did you hear Sergeant Paige testify with respect to your bringing his wife and children into this thing and Culombe accusing you of it and saying they didn't commit any crime? A. I don't recall that.

Q. His wife and children were brought into the barracks that night? A. His wife.

Q. And the children were in the barracks?
A. I recall only seeing his wife.

Q. Anyway, Culombe was upset that night after this day in New Britain and being taken into the gasoline station, and his wife was there and he was questioned, and he was upset and he was accused by his wife? He was upset—that is the question. A. Yes, sir.

Q. Was Sergeant Paige present at the questioning by you on Tuesday night? A. I don't know.

Q. Well, see if this will refresh your recollection. How did his wife get to the barracks Tuesday night?
A. I am of the opinion Miss Murtha brought her.

Q. She came in a cruiser? A. Yes.

Q. Before she was brought to the barracks in a cruiser, Culombe was being questioned by you in the presence of Sergeant Paige, and another police officer was sitting in the corner with a newspaper, and he started to stand up before his wife came in? A. No, sir.

Q. But you recall Sergeant Paige being in the room?
A. I know we both talked to Culombe that evening.

Q. And up to that time Culombe had signed a confession or admitted anything? A. Yes.

Q. What did he admit? A. Theft, I believe, of some canned goods.

Q. He was questioned about the canned goods the previous day, I understood you to say? A. I could have.

Q. And he made admissions about canned goods — taking them from his employer's warehouse? A. He confessed that he stole the canned goods.

Q. But you had told him you were going to arrest his wife, didn't you? A. No.

Q. Didn't you say to Culombe: "We have found some canned goods in the house while you were locked up here," and didn't Culombe say to you, "I don't know how you can charge her on the groceries; she don't know where I got them—I could have bought them for all she knows." Didn't Culombe tell you that? A. I don't recall Culombe making that statement.

Q. Well, he did say his wife didn't steal them—she could have thought he bought them? A. I am of the opinion he cleared his wife or left it that he did it himself.

Q. Did you say to him during the course of that conversation, "What the hell kind of a father are you? What have I got to do but lock them up because you are not man enough to admit it?" A. No, sir.

Q. But he did admit it anyway? A. He did.

Q. At one time didn't Culombe refuse to answer any more of your questions in any form, and you said to him: "Answer when I talk to you"? A. I don't remember that.

Q. Well, do you deny saying that? A. I will deny remembering it. I don't remember it.

Q. You had no right to make him answer if he didn't want to—you know that? A. Yes, I do.

Q. But you might have said "Answer me when I talk"?

Q. Did he say to you, "I don't care to answer anymore; I want to go downstairs and be left alone"? A. No, sir.

Q. Didn't he several times request to be brought back to his cell block and be locked up? A. No, sir.

Q. And didn't you refuse to have him locked up until you knew he was telling the truth? A. No, sir.

Q. Did you say to Culombe, "It's a good thing the law

protects someone like you, or I would work you over"?

A. I did not.

Q. Do you know what it means to "work over" a person? A. I think I can guess.

Q. Well, did you work him over—never mind properly or improperly—did you work him over?

A. No, sir.

Q. You don't have to guess what working over is. You know what that is in police parlance. You know what it means from a police standpoint? A. I can guess.

Q. What is your guess? A. That a couple of men jump on him and beat him up.

Q. You didn't learn that in Connecticut Headquarters, did you? A. No, sir.

Q. Did you, during the course of your conversation on Tuesday night refer to the gun collection and weapon collection and say to him, "I ought to take one of these billies and beat you over the head and see how you like it," and then to your men, "Take the bastard downstairs and lock him up"? A. No, sir.

Q. You didn't make those remarks? A. No, sir.

Q. Did you handle Culombe gently?

A. I thought so.

Q. Very kind to him? A. Considerate of his welfare.

Q. Considering in the circumstances that you were facing, you think you were considerate?

A. Can I have that read?

(The reporter read the question.)

A. I was considerate of Mr. Culombe's welfare, yes, sir.

Q. You could have been rougher with him than you were?

MR. BILL: Object to it.

A. I wasn't rough to him.

THE COURT: I would have sustained it but I will allow it to stand.

Q. Did you at anytime ever tell Culombe he better get on the bandwagon and start talking? A. I could have.

Q. Why, was there a bandwagon around he could have got on? A. No, but I would have made one for him.

Q. Did you tell Culombe that if he talked first and made a confession first before Taborsky that he would get consideration first from the State's Attorney's office.

A. No, sir.

Q. You do recall calling the thirteen or fourteen year old child over to the door and saying, "Honey, tell your father what you told us,"—don't you? A. I could have said that—I can't recall actually.

Q. And that the child said: "My father and Joseph Taborsky used to go in the bedroom and talk, and I heard them whisper". She made that statement in Culombe's presence, didn't she? A. She made the statement but I don't believe she made it in Culombe's presence.

Q. What did she say in Culombe's presence? A. I don't remember her making any statement in Culombe's presence.

Q. Well, you probably said to her, "Honey, tell your father what you told us". Did she tell her father what she had told you? A. I could have made that statement. I don't definitely recall.

Q. If you did, was there any reply made by Culombe?
A. I don't recall that.

Q. Do you recall this reply—to refresh your recollection—"How much more proof do you need—do you want me to take the baby in here and tell you?" Do you remember saying that to Culombe? A. No, sir.

Q. And Culombe saying to you, "How low can you get?" A. That's a lie.

Q. Did you then go into the room alone with Culombe after the incident with the thirteen or fourteen year old daughter—You do remember the daughter being there?
A. She was there on one night.

Q. Well, on that night—after what I referred to you said to the daughter—were you and Culombe alone then in a room after that where you talked to him alone with no one present? A. I have talked with Culombe alone. Whether or not it was after the daughter was there I don't know.

Q. After the daughter was there did you kick Culombe on the ankle and say, "That's a hell of a way to talk," and you bumped together and you grabbed him with your two hands by the throat and threw him to the floor?
A. That's a lie.

Q. That is your answer—that is a lie? A. That's the truth.

Q. In other words, you didn't do it? A. I did not.

Q. Weren't you quite exasperated at that point — you were getting nothing by way of the goods. Weren't you exasperated? A. I had some patience.

Q. Your patience was still in existence?
A. I still had some in reserve.

Q. Well, some of it had gone, hadn't it?
A. It could have.

Q. And some of your patience had gone, and the next day the confessions came, didn't they? A. Not in that order, Mr. McDonough.

Q. Well, your patience had been exhausted to a certain degree by Tuesday night? A. No. As a result of the months of investigation.

Q. Didn't Culombe at any time get insulting toward you and Sergeant Paige, especially you? A. No, sir.

Q. Didn't he get you riled A. No, sir.

Q. At times wasn't the air pretty blue between both you and Culombe, with language being used? A. No, sir; never.

Q. Between the both of you? A. No, sir.

Q. Did Culombe swear at you at any time?
A. No, sir.

Q. Did you swear at him? A. No, sir.

Q. Did you call him a liar, though, I think you said the other day? A. I said I may have called him a liar on more than one occasion; yes, sir.

Q. Did anyone other than yourself knock him to the floor? A. He was not knocked to the floor in my presence or at any time while in my custody.

Q. There were times that you and Culombe were alone, no one but the two of you? A. No, sir.

Q. And what happened between the two of you then we can look to either you or Culombe to tell what happened, and you say he's a liar if he says that? A. Yes, sir.

Q. Now, tell us again what Mrs. Culombe said the night that she confronted her husband for the first time, word by word.

A. Mrs. Culombe accused her husband of committing these crimes—

Q. No, I said tell us what she said, word for word.

A. Mrs. Culombe told her husband to confess to these crimes if the State Police could prove it.

Q. Confess to the crimes if the State Police could prove it? Go ahead. A. And she further said, "They must have something on you to hold you," or some words to that effect.

Q. Go ahead, Lieutenant. A. And she said that if she were convinced that he was responsible for these killings she would press the button herself.

Q. Do you know what she meant by "pressing the button?"

A. Yes, sir. The electric chair.

Q. Who told her that? Pressing a button?

A. I don't know.

Q. Do they press a button? A. They do not.

Q. Who put that thought into her mind, do you know?

A. Certainly not I.

Q. But you are sure she said it? A. Yes, sir.

MR. McDNOUGH: That's all, Lieutenant.

THE COURT: Mr. Bill is there anything further with this witness?

MR. BILL: No further questions.

THE COURT: Call your next witness. You may step down.

MR. BURKE: Your Honor, may the record show I wish to cross examine, as in the other case, and an exception?

THE COURT: May be noted.

MR. BURKE: Thank you.

VINCENT J. O'BRIEN, a witness called by the State, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Vincent J. O'Brien.

Q. And your address? A. 138 Parkside Drive, New Haven.

DIRECT EXAMINATION BY MR. BILL:

Q. You are a member of the State Police Department?
A. Yes, sir.

Q. And you are a detective? A. Yes, sir.

Q. How long have you been a detective?
A. Almost three years.

Q. And how long have you been on the Department?
A. Ten years.

Q. Are you skilled in shorthand and typing?
A. Yes, sir.

Q. And where did you gain your knowledge of that?
A. At McKeon's Secretarial School in New Haven.

Q. And have you practiced both shorthand and typing in your work with the State Police? A. Yes, sir.

Q. Now, did you take part in this investigation of the Taborsky and Culombe case? A. Yes, sir.

Q. And when did you first enter into the investigation?
A. On December 18th, 1956.

Q. Did you go down to New Britain at that time?
A. Yes, sir.

Q. With Lieutenant Rome? A. Yes, sir.

Q. And you accompanied him when you went over the grounds and the locale and went to the station and that sort of thing? You made an investigation at that time?

A. I didn't accompany him through the gasoline station on that day.

Q. But you took part? A. I accompanied him to New Britain Police Headquarters where we talked with New Britain police, learning some of the facts.

Q. Did you enter into the investigation when Taborsky and Culombe were brought to headquarters on February 23rd, at some time subsequent thereto? A. Yes, sir.

Q. And when was that, first, do you remember?
A. On Sunday, February 24th.

Q. On Sunday, the 24th? Where were you present at that time?

A. At State Police Headquarters.

Q. And who was there at the time? A. Lieutenant Rome, Sergeant Paige, several other officers in our department.

Q. And any of the accused? A. Later in the afternoon I was present in the room with Joseph Taborsky.

Q. Well, this group that you spoke of, that was a meeting of the officers themselves, you mean? A. Yes, sir.

Q. And subsequently there was a meeting with Taborsky? A. Yes, sir.

Q. Now, on the matter of Culombe, I think we'd better confine ourselves to Culombe, because that's what the

question here is. Did you see Culombe on Sunday?
A. No sir.

Q. You did see Culombe at some time, didn't you?
A. Yes, sir.

Q. And when was the first time you saw him after February 23rd when he was brought to State Police Headquarters? A. On Monday evening, February 25th.

Q. And what was the occasion? A. I was assigned by Lieutenant Rome to take a statement from Arthur Culombe, which I did.

Q. From whom? A. Arthur Culombe.

Q. From Arthur Culombe? In connection with what?
A. In connection with some canned goods which had been found at his home.

Q. And when was that? On Monday? A. Monday evening.

Q. At State Police Headquarters? A. Yes, sir.

Q. And who was present? A. Lieutenant Rome, and I believe Detective Jaconis and myself.

Q. Did you take shorthand notes of that meeting?
A. No, sir.

Q. You were just present? A. I wrote the statement in longhand.

Q. There was a statement made later as to Culombe's statements on the question of having taken the canned goods from his employer? A. Yes, sir.

Q. And you typed that statement? A. No, sir; I wrote it in longhand.

Q. You wrote it in longhand? And was it signed in your presence? A. Yes, sir.

Q. And some of the others? Was anything else done in so far as Culombe was concerned at that conference that Monday night? A. No, sir.

Q. Did you again meet where Culombe was, subsequent to Monday night? A. Yes, sir.

Q. At Police Headquarters? A. Yes, sir.

Q. Who was present? A. Lieutenant Rome, Sergeant Paige, Detective Murphy, and Arthur Culombe.

Q. And when was that? A. On Wednesday afternoon, February 27th.

Q. And about what time? A. At about three-thirty, P. M.

Q. And did you take notes of what took place there, at any time? A. Yes, sir.

Q. And I am confining the questions to State Police barracks, that afternoon. A No, sir.

Q. You have looked through your notes pretty carefully before you took the stand, did you? A. Yes, sir.

Q. At what point did you enter into the conversations that were taking place there at the barracks on Wednesday afternoon that you just described? A. I was called into the room by Lieutenant Rome.

Q. And will you tell us to the best of your ability what was said and done at that time while you were there? A. Well, shortly after I entered the room we all left.

Q. Was anything said by the accused while you were there, that you remember? A. There was conversation. I don't recall it.

Q. You don't recall? A. No, sir.

Q. There was nothing to do with any statement concerning the New Britain affair in your presence by the accused, was there? A. No, sir.

Q. Now, when you left State Police Headquarters where did you go? A. We started to drive to 20 Coleman Drive, in Hartford.

Q. That's the home of Culombe? A. Yes, sir.

Q. And you left from State Police Headquarters? A. Yes, sir.

Q. In a cruiser? A. Yes, sir.

Q. And who was present when you left in the car? A. Lieutenant Rome, Sergeant Paige, Detective Murphy, Arthur Culombe, and I.

Q. And who was driving when you left headquarters? A. I was.

Q. And was there a discussion as you proceeded on your way? A. Yes, sir.

Q. With the accused? A. Yes, sir.

Q. And was there a discussion between the accused and a man, or several? A. I believe the conversation was between Arthur Culombe, Lieutenant Rome and Sergeant Paige.

Q. You were driving, and where was Culombe seated? A. In the back seat.

Q. And was there somebody on the front seat with you? A. Yes, sir. Sergeant Paige and Detective Murphy.

Q. And Lieutenant Rome and Culombe, and anybody else on the back seat? A. That is all.

Q. Those two on the back seat? A. Yes, sir.

Q. Could you overhear what was being said there?
A. There was conversation regarding the location of some guns.

Q. Do you remember any of the nature of the conversation at that time? A. No, sir; other than it was concerning the location of some guns.

Q. And did there come a time when you stopped driving and somebody took over the driving, in the car?
A. Yes, sir.

Q. On what occasion was that? What caused that?
A. Lieutenant Rome told me to stop and told Detective Murphy to take over the wheel.

Q. And where was that in relation to between headquarters and Culombe's house, as far as—a quarter of the way, half way, or where was this? A. My recollection it was on the street—I think it's Ward Street; the next street south of Park.

Q. On Washington Street here? A. On Ward. I think it's Ward.

Q. Ward runs into Washington Street? Off Washington Street? A. I think that's the street. The one just south of Park Street.

Q. In other words, you proceeded from headquarters, you driving along Washington Street out here in front of this building, going to the south, and down about three or four blocks you came to Ward Street that turns to the right off Washington Street, is that right?
A. That's right, except I think Ward is the second block. I think it's the first street after Park Street.

Q. You turned there, is that right? A. I turned right on Ward Street and went westerly.

Q. And where was it that you made the change, if you remember? A. Just—It would be between Broad Street and Zion Street.

Q. So you had been driving only about three or four minutes, would you say? A. Yes, sir.

Q. And you stopped the car to do this, make this change, did you? A. Yes, sir.

Q. And where did you then go when Sergeant Murphy took the wheel? A. I moved to the passenger's seat, on the right, in the front seat.

Q. And Lieutenant Rome and Culombe remained in the back seat? A. I believe that Lieutenant Rome and Culombe were in the back seat.

Q. And when you took your position there on the passenger's side did you do anything then? A. Yes, sir. I took out my notebook and pencil to make a record of the conversation.

Q. Between whom? A. Lieutenant Rome and Arthur Culombe.

Q. And did you do that? A. Yes, sir.

Q. And how long did that continue? A. Until we reached Culombe's home.

Q. And did you take a running account of what took place in that conversation between them during that time? A. Yes, sir.

Q. And you have your notes here? A. Yes, sir.

Q. And you can tell us substantially what did take place? What was said? A. You mean the entire conversation?

Q. Substantially; without reading your notes. Have

you a transcript of those notes? A. No, sir; I have them here.

Q. You've got them in shorthand? A. Yes, sir.

Q. But you haven't transcribed them, have you?
A. No, sir. I haven't made a typewritten transcript of them.

Q. But have you reviewed them? A. Yes, sir.

Q. And having reviewed them can you tell us substantially, as you remember, both from what you heard and what you refreshed your mind with on your notes, what was said and the topic of the conversation and what was said there between these two? What are you referring to now?
A. These are the notes I made.

Q. These are stenographic notes? A. Yes, sir.

Q. Do you need them to tell us what happened?
A. No, sir; I can recall.

Q. I don't want to have you go all through, word for word, but if you need them so you can refresh your recollection by reference to those notes. If you will tell us in substance, as you remember, what the topic was and what was said between the two people?
A. Well, Your Honor, I am a bit confused here. Would this be—I don't know.

THE COURT: Your best recollection of what was said.

A. The entire conversation?

Q. Is it worrying you because matters other than this New Britain affair were discussed? A. Yes, sir.

Q. Is that what is bothering you? A. That's what I don't understand.

Q. The point is well taken, particularly in front of the jury. I don't claim it here now. But if you want to re-

fer to other matters, other than New Britain, and the other incidents, we've been going on that way. Does that help you? A. Yes, sir.

Q. Will you continue? A. Lieutenant Rome asked Arthur Culombe about several other incidents, and received answers concerning them.

Q. That was other than the New Britain affair?

A. Yes, sir. Then he asked where they had gone after one of these incidents, and the reply was that they had gone to New Britain, that he and Joseph Taborsky were in company, that Arthur Culombe was driving his own car, that they drove into New Britain and passed a gas station. Taborsky told him to turn around and pull in and "we'll take this place." They drove in and the attendant came out and he told the attendant to fill the gas tank, and at about that time Taborsky asked if there was a men's room. The attendant said there was, and Taborsky left the car and went into the gas station. After the gas tank was filled Culombe paid with a two dollar bill and when the attendant went inside the gas station Taborsky pulled a gun on him and ordered him into a room. He said there was a pump in the room. And during this time Culombe remained outside the gas station. After they entered this room he heard a shot and shortly after that Taborsky came out and started to search the gas station.

At about this time a car drove into the gas station and pulled up to the pumps. Culombe started to service the car when Taborsky came out and said something to Culombe to the effect that the man would have their marker number, and he called to the man and said, "Hey, your buddy wants to see you inside," or something like that; and he then pulled the gun and ordered the man inside the gas station and they went into the toilet. Culombe heard two shots and Taborsky came out and shortly after that he came out of the gas station and they left and drove back to Hartford.

Q. And that — I take it that other matters were referred to during this drive down—that is, the conversation had to do with other incidents before you hit on the New Britain matter, is that it? A. Yes, sir.

Q. And you took some notes on that, did you?
A. Yes, sir.

Q. And then you have covered this conversation in your notebook, too? A. Yes, sir.

Q. Whether or not that story was completed by the time you arrived at Culombe's house? A. Yes, sir.

Q. What did you do when you reached Culombe's house?

A. At Culombe's house all the others went into the home and I remained outside for a few minutes, and then I also entered.

Q. And who was there when you got there?

A. There was Lieutenant Rome, Detective Murphy, Sergeant Paige, Arthur Culombe, Mrs. Culombe, and the small daughter, were all present.

Q. Which one? A. It's the youngest of the two.

Q. I think it's the five year old one they have been speaking of, is that right? A. Yes, sir.

Q. Did you have your notebook with you there?
A. Yes, sir

Q. Did you take any notes in the house? A. Yes, sir.

Q. And what did that concern? A. Took notes of —I wrote notes of Lieutenant Rome finding a brown briefcase behind the medicine chest, and its contents, and the other things that were taken from the house at that time.

Q. What were the contents? A. There was a gun and two—a brown leather blackjack and a black leather blackjack.

Q. Anything else? I don't mean there. I don't mean in the bag. But any other incident that you made notes about?

A. Yes. Lieutenant Rome took a metal can from the safe, and I made a note of that, and took a green rubber raincoat from the closet in Mr. Culombe's bedroom, and I made note of that.

Q. Anything else? A. That's all I recall right now.

Q. Any conversations that you noted in the house?

A. I didn't make notes of the conversaton in the house.

Q. Did you go out doors on any of these trips that have been described here? A. Yes, sir.

Q. Where did you go? A. I went with the same group to the intersection of Newfield Avenue and Dexter Street in Hartford that same evening, where Arthur Culombe pointed—

Q. Was that in the afternoon? A. The same afternoon, yes, sir.

Q. You said "evening". Was this still afternoon?

A. I'm sorry. It was about in the vicinity of four-thirty P.M. when we left Arthur Culombe's home, and at that intersection Arthur Culombe pointed to a place in the swamp and said that we would find two guns in that swamp, and he said the gun parts in the can which Lieutenant Rome had taken from his home would fit one of those guns. He took us then around Dexter Avenue to, I think it's Reed Avenue, just over the West Hartford Line.

THE COURT: I think we'll stop here, Mr. Bill. You may escort the accused from the Courtroom.

(Accused removed from Courtroom.)

(Court adjourned, 5:00 P.M.)

WEDNESDAY - JUNE 12, 1957 - 10:22 A. M.

THE COURT: May I have the jury and the alternates?

(Jury and alternates seated at 10:25 A. M.)

THE COURT: Good morning, ladies and gentlemen. We are a little late in getting to you this morning, but the reason is that I have been talking to counsel and I am informed by all counsel that the matters before me will take the day, and so, with the instructions I gave you yesterday that you are not to talk to anyone about this case or allow anyone to talk to you about it; if there is anything in the papers you will not read it, and if there is anything on radio or television you will ignore it. I will excuse you now until tomorrow morning at ten o'clock. You may now retire.

(The jury was excused at 10:25 A. M.)

THE COURT: All right, Sheriff, bring in the accused, please.

(Accused present in the courtroom.)

THE COURT: You may proceed when you are ready, Mr. Bill.

MR. BILL: Detective O'Brien?

SERGEANT VINCENT O'BRIEN, previously sworn, recalled.

CONTINUED DIRECT EXAMINATION BY MR. BILL:

Q. Getting back a little, Detective O'Brien, so we will get the sequence of what we were discussing yesterday

afternoon, I will read from the transcript.

"Q. Where did you go? A. I went with the same group to the intersection of Newfield Avenue and Dexter Street in Hartford that same evening, where Arthur Culombe pointed —

"Q. Was that in the afternoon? A. The same afternoon; yes sir.

Q. You said, "evening". Was this still afternoon?
A. I'm sorry. It was about in the vicinity of four-thirty P. M., when we left Arthur Culombe's house, and at that intersection Arthur Culombe pointed to a place in the swamp and said that we would find two guns in that swamp, and he said the gun parts in the car which Lieutenant Rome had taken from his home would fit one of those guns. He took us in around Dexter Street to, I think it's Reed Avenue, just over the West Hartford line."

Q. That is when we stopped, Detective O'Brien, and will you continue and relate what happened after that when you were taken down to Reed Avenue which is over the West Hartford line. Will you pick it up there? A. Yes, sir, he pointed to a swamp area off Reed Avenue and said we would find a raincoat he had thrown in there after the shooting in New Britain. We went down to the swamp - to the border of the swamp - and Detective Murphy was able to fish this raincoat out of the swamp by putting a board in and using a long pole. Culombe said we would find a number on the collar of this raincoat and we did find the raincoat which had his name and number, I think, 16594 - in stencil. On the collar of the raincoat was —

Q. Whose name was on it? A. Culombe.

Q. Did you do anything more at that point?
A. After recovering the raincoat we left and he directed us to Chandler Street in Hartford.

Q. Where is Chandler Street in relation to Culombe's house? A. Chandler Street runs off Flatbush Avenue. It runs in a north and south direction off Flatbush Avenue in the vicinity near Coleman Drive.

Q. And that is where Culombe lived, was it - Coleman Drive? A. Yes, sir.

Q. How about these other streets you mentioned - Reed Avenue, Newfield Avenue, Dexter Street and so forth? Where are they in relation to Culombe's home? A. Newfield runs off Flatbush Avenue west of Coleman Drive, and Dexter runs off Newfield - on Newfield - north and south, and Dexter is east and west and then a block west on Newfield or on Dexter is Reed Avenue, and Reed runs north and south off Dexter.

Q. Would it be fair to say that all of these streets are in the immediate vicinity of Coleman Drive where Culumbe lived? A. Yes, sir, all within a few blocks.

Q. Will you proceed? A. On Chandler Street he showed us an area where there was a brook running under the street and some heavy shrubbery, and he said he had disposed of some wallets and keys from some of the robberies in this area. He pointed out a spot in the brook where he said he threw a set of keys and papers and pointed to some brush and said he had thrown some papers and wallets in that area. Then we left Chandler Street and drove to Main Street in Hartford.

Q. Before you get there - about the wallets and papers and so forth in the brush, was there anything said about what incident that covered? A. He said - I recall he did say there was a wallet or some papers from a package store holdup.

Q. Was New Britain mentioned at all? A. I don't recall that New Britain was mentioned.

Q. Will you go on from there? A. We went down to Borden's Used Car Sales on Main Street in Hartford where he identified a black 1949 Oldsmobile as having formerly been his and which was used at the time of some of these holdups, and which was used by he and Taborsky in the commission of them, and he pointed to a stove, an iron stove - inside - and said he had disposed of some - a woman's pocketbook and a wallet which was taken in one of the robberies.

Q. Where was that? At Borden's Auto Sales.

Q. Now, anything further done there at Borden's Auto Sales. A. No, sir.

Q. You ultimately left there, and where did you go? A. We returned to the State Police Headquarters.

Q. Do you remember about what time you got there? A. At approximately six-fifteen P. M.

Q. Do you remember what took place after that? A. Yes, sir, we went to the office of Major Riemer and Commissioner Kelly was also present, Lieutenant Rome, Sergeant Paige, I believe Detective Murphy was also there, and I and Arthur Culombe.

Q. What took place there - briefly? A. At this office Culombe repeated some of the details—

MR. McDONOUGH: I object to what Culombe repeated. What he said isn't important. That is a conclusion.

THE COURT: There isn't any question about that. The question is whether it is advisable—

MR. BILL: I could have him repeat it all over again but it seems to save time, I was just trying to do that.

MR. McDONOUGH: All right. I will withdraw the objection.

THE COURT: Go ahead.

THE WITNESS: Culombe was asked about the details of some of these crimes in the presence of Commissioner Kelly and Major Riemer by Lieutenant Rome and he admitted participation in them.

Q. Could it be said that he substantially repeated in front of Commissioner Kelly and Major Riemer what you have related here - in substance?

MR. McDONOUGH: I object to that.

THE COURT: I will sustain it.

Q. Let us leave that conference - it isn't too important anyway. Where did you go then? A. We went to the barracks and had some supper.

Q. And that included Culombe? A. Yes, sir.

Q. And when were you through supper - do you remember about? A. About eight P. M.

Q. And what happened then? A. Later we went upstairs to the Special Services Division.

Q. Who was "we"? A. Lieutenant Rome, Sergeant Paige, Arthur Culombe, Edward Matus and I.

Q. What did you do there? A. We went upstairs and we started to take a written statement from Arthur Culombe.

Q. Did you take some written statements from Arthur Culombe? A. Yes, sir.

Q. And in particular, one concerning this incident - the New Britain affair? A. Yes, sir.

Q. And in what manner were those statements conducted as far as questioning and answers and that type of thing? A. Lieutenant Rome asked Arthur Culombe

questions concerning the details as to their activities and received the answers from Arthur Culombe and then put it in narrative form, and when Arthur Culombe agreed that it was true, I typed it.

Q. And that went on as far as all these various incidents were concerned? A. Yes, sir.

Q. Now, showing you State's Exhibit Z-1 for identification, I ask you if you recognize that - will you look it over and all through, please? A. Yes, sir.

Q. As what? A. That is the statement I typed on the evening of February 27.

Q. And signed by whom? A. Signed by Arthur Culombe, witnessed by Samuel Rome, Donald Paige, Vincent J. O'Brien and Edward Matus.

Q. Referring to this same exhibit, can you tell us about what time that started - that is, the questioning?
A. Ten fifty-five P. M.

Q. What does that mean - the questioning or the statement? A. This statement.

Q. This statement here on New Britain? A. That statement - I started to type it at ten fifty-five P. M.

Q. Now, later were you concerned with State's Exhibit Z for identification to the extent that you can recognize it? A. Yes, sir.

Q. And what is that? A. That is a statement concerning the shooting in New Britain which I later witnessed.

Q. Now, before you witnessed it had you read this State's Exhibit Z? A. Yes, sir.

Q. And having typewritten State's Exhibit Z-1 what relation did you find that had - that is, this one - had to Z-1 which is here at your left? What does that represent,

in other words, in relation to Z-1? We are talking about Z.

A. It is a copy of part of Z-1 concerning the New Britain shooting only.

Q. Do you find that Z leaves out some of Z-1, which is the narrative part of the incident in New Britain, and leaves out the others - or the other incident described in Z-1? A. Yes, sir.

Q. Is that a fair description of what happened?
A. Yes, sir.

Q. All right now, were you there when Culombe signed Z for identification? A. Yes, sir.

Q. And your name appears there as a witness?
A. Yes, sir.

Q Where was that signed? A. At the Hartford County Jail.

Q. And before it was signed was it read to Culombe?
A. Yes, sir.

Q. Did he agree to sign it? A. Yes, sir.

Q. And did he sign it? A. Yes, sir.

Q. What day was that that Z was signed? A. That was on Monday, March 4.

Q. And do you know about the date on this Z - how was that arrived at - February 28, 1957 - 12:30 A. M.? Did you take part in that? A. No, sir, I didn't type that.

Q. I know you didn't, but do you know anything about that February 28, 1957 - was that discussed at all to your knowledge? A. I don't recall that it was discussed in my presence.

MR. BILL: Your witness.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. You didn't type State's Exhibit Z for identification, Officer, did you? A. No, sir.

Q. You went to the jail with Lieutenant Rome on Monday when it was signed by Culombe? A. Yes, sir.

Q. And you took stenographic notes in the car on the way from Culombe's house to State Police Headquarters on Wednesday of the week of the investigation -
A. Wednesday afternoon, yes, sir.

Q. And you took them at the direction of Lieutenant Rome? A. Well, he didn't direct me in those words.

Q. Well, he told you to take notes? A. No, sir, he told Detective Murphy and I to change our position in the car, and I knew his purpose for that.

Q. From that you gathered he wanted you to take notes - you personally? A. Yes.

Q. You went to Culombe's house and did you take any notes at his house? A. Yes, sir.

Q. What notes did you take? A. I made notes as Lieutenant Rome removed a medicine chest in the bathroom and made a note as to what he found in the medicine chest.

Q. Officer O'Brien, what do you mean by notes? Did you take down conversations? A. No, sir, I wrote down what had been found.

Q. Have you no notes of any remarks by anyone in the house? A. No, sir.

Q. Did you make notes of conversations in the car?
A. Yes, sir.

Q. Did Lieutenant Rome tell you to write down or make notes, as you call them, of what was taken in the

house? A. I wrote down what was found and what was taken into custody, yes, sir.

Q. There was a conversation in the house in your presence between Culombe and his wife, wasn't there?

A. When I went into the house Culombe and his wife were sitting in the living room. Others were also present.

Q. A little baby on the couch? A. A little girl was there, yes, sir.

Q. Go ahead. A. I walked through the livingroom in the hallway to the bathroom door. I remained there while the medicine chest was being removed and after what was found behind it, while it was photographed.

Q. I don't think that you understand the question.

MR. McDONOUGH: May it be read?

THE COURT: Yes, read the question, Mr. Burke?

(Question repeated by reporter) "There was a conversation in the house in your presence between Culombe and his wife, wasn't there?"

A. When I walked into the house and into the livingroom and walked into the hallway, and while I remained there there was conversation in the livingroom, yes, sir.

Q. Did you hear the conversation? A. Parts of it I did.

Q. What did you hear? A. I heard Culombe telling his wife that he knew what he was doing, and I think that he told her not to ask him now about what he was doing but that it would all be over.

Q. Is that all that you heard him say? A. That's all that I can recall. I was not listening to the conversation.

Q. You weren't listening to the conversation between a man being held in a murder investigation who had, in

your presence, told about shootings th. t you had made a note of, and you weren't listening to the conversation?

A I wasn't seated listening to the conversation. There was conversation in the bathroom and I was directing my attention between what was going on there.

Q. You were present when a conversation took place between Culombe and his wife, weren't you? A. I was standing in the hallway and could hear some of the conversation in both places, yes, sir.

Q. The hallway isn't very far from even the center of the living room, is it? A. No, sir.

Q. As a matter of fact, using this courtroom as an example, the end of this jury box, if Mrs. Culombe was in the center of the livingroom the hallway you are speaking of would not be any further than where I am standing, isn't that right? A. The beginning of the hallway, yes, sir.

Q. And you could hear what they were saying, couldn't you? A. I heard some of the conversation.

Q. Repeat word for word what was said by Culombe and by his wife. A. I don't think that I can, sir.

Q. Well, if he had said that he had shot someone because he didn't like them you would have remembered it, wouldn't you?

MR. BILL: Objection.

THE COURT: Sustained.

Q. You would have remembered anything, Officer O'Brien, that you considered favorable to the State and you would have forgotten what you considered favorable to the accused, is that the fact?

MR. BILL: Objection.

MR. McDONOUGH: Claim it.

THE COURT: No, I'll allow that.

A. No, sir.

Q. Well, didn't Culombe say this to his wife: "There's one reason I am telling you these things now so they won't be bothering you any more?" Didn't Culombe say that to his wife? A. I don't recall those exact words, no, sir.

Q. Well, would you say that he didn't say that? A. No, sir.

MR. McDONOUGH: That's all.

THE COURT: Mr. Bill, anything further from this witness? Anything further from this witness, Mr. Bill?

MR. BILL: No, Your Honor.

THE COURT: Step down.

MR. McDONOUGH: One other question please, with the Court's indulgence.

Q. You say that you didn't recall those exact words. Do you recall that statement in substance? A. I recall - I thought that I described that when you asked me about conversation that I might have heard in that room. I recall him saying something about not being bothered any more.

MR. McDONOUGH: That's all Officer, thank you.

THE COURT: You may step down.

MR. BILL: I expected to put Detective Murphy on at this time. I understand that he went to Wallingford. Is he here now?

MR. LABELLE: We got him on the radio just a few minutes ago and he said that he would be here in fifteen minutes.

THE COURT: Do you have anything else to go forward with, Mr. Bill?

MR. BILL: No. I was going to wind this up with him.

THE COURT: Do you have any objection to going forward with your evidence?

MR. McDONOUGH: Yes, I wouldn't want to at this time, Your Honor.

THE COURT: Escort the accused from the courtroom.

(Accused escorted from courtroom)

THE COURT: Will you let me know when you are ready, Mr. Bill?

MR. BILL: Yes, Your Honor.

THE COURT: Short recess, Sheriff.

(Recess at 10:50 A. M.)

JUNE 12th, 1957, 11:10 A. M.

THE COURT: Bring up the accused, Sheriff.

(The accused present)

(Jury and alternates not present)

THE COURT: You may proceed when you are ready Mr. Bill?

MR. LABELLE: Detective Murphy.

ROBERT MURPHY, a witness called by the State, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name -

MR. McDONOUGH: I wonder, Your Honor, if it would save time, I wanted to call Detective O'Brien back for one question.

THE COURT: Let him be sworn.

THE ASSISTANT CLERK: Your full name?

A. Robert Murphy.

THE ASSISTANT CLERK: And your address?

A. 111 Ulrich Road, Stratford.

THE COURT: Now you may step down a moment.

VINCENT O'BRIEN, having been previously sworn was recalled and testified further as follows:

BY MR. McDONOUGH:

Q. Officer O'Brien, you told the Court that relative to the manner of taking a statement of Culombe on Wednesday night, that Culombe related to Lieutenant Rome, and when Lieutenant Rome was through "I typed it out." Just what do you mean by that? A. Lieutenant Rome asked Culombe questions concerning their activities on that night and received answers from Culombe. After receiving his answers he would make a statement in narrative form and when Culombe agreed that it was true, that one sentence, or two sentences, I typed it.

Q. You mean that he would ask Culombe about a certain thing, a question, and then Culombe would give an answer, is that it? A. Yes, sir.

Q. And then Lieutenant Rome would repeat his answer, is that it? A. Yes, sir.

Q. And then Lieutenant Rome would repeat his answer? A. Would repeat his - well, would make a sentence out of what was said.

Q. Make his own sentence out of Culombe's answer, is that it? A. He would make a sentence out of it.

Q. But it wouldn't be Culombe's words that you heard that were being typed, would it? A. Well, the sentence that Lieutenant Rome repeated to him.

Q. Did he quote Culombe exactly? For example, if he said to Culombe "Were you in New Britain the night of December 15th?" And Culombe said: "I was there about six o'clock", did Lieutenant Rome repeat to you for typing, "I was there about six o'clock?" A. No, sir.

Q. In other words, he didn't use Culombe's words? A. Yes, sir, to a great extent.

Q. But not completely? A. No, sir.

Q. Some of them were his own? A. Yes, sir.

Q. To a great extent they were his own? A. Sir?

Q. To a great extent they were Lieutenant Rome's words. A. No, I think to a great extent they were Arthur Culombe's words.

Q. About how many sentences would Lieutenant Rome - or how many answers would Lieutenant Rome get from Culombe before he would put them together and dictate a statement for you to type. A. Sometimes it would be just one question and answer.

Q. And sometimes more? A. Sometimes two or three.

MR. McDONOUGH: That's all.

THE COURT: You may step down, Detective. All right. Detective Murphy.

DETECTIVE ROBERT MURPHY, having been sworn was recalled to the witness stand:

DIRECT EXAMINATION BY MR. LABELLE:

Q. Detective Murphy, you are a member of the State Police Department? A. Yes, sir.

Q. How long have you been a state police officer? A. Seventeen years.

Q. In your capacity as state police officer did you participate in an investigation concerning the shooting at Kurp's gas station, in New Britain, which occurred on December 15th? A. I did.

Q. When did your participation in this investigation commence? A. On Wednesday afternoon, February 27th, at 2:45 P. M.

Q. And where did you begin your participation? A. At the State Police Headquarters on the third floor.

Q. Do you recall what room you were in at the time when you started this investigation? A. A room that is known as the interrogation or interviewing room.

Q. And who was there in that interrogation room? A. Detective Sergeant Paige, Arthur Culombe, and I.

Q. That is the first that you had anything to do with this New Britain affair? A. That is correct.

Q. When you went into the interrogation room what was the first thing that you did? A. I sat for a few minutes and listened to a conversation between Sergeant Paige and Arthur Culombe. Sergeant Paige had on the table in front of he and Arthur Culombe a sheet of paper that contained a list of various accidents, and he was listing these incidents one by one, or mentioning them to Arthur, and at times or when certain incidents were mentioned Arthur would say: "I don't want to talk about it", and on other occasions he would say: "I wasn't there."

After they had gone through the list I was told that Arthur and Sergeant Paige -

MR. McDONOUGH: "I was told", is that what the witness is saying?

THE WITNESS: That is correct. I was told.

MR. McDONOUGH: Unless it was in the presence -

THE COURT: I take it it was in the very room in the presence of Culombe, was it? A. That is correct. In fact, Sergeant Paige told me th. t he and Arthur were going through this list and that Arthur would state that he was not at a particular location where an incident occurred if he wasn't there, and on other jobs or others his answer would be "I don't want to talk about it".

Q. That was the list that Sergeant Paige was asking - was going through with Culombe, is that right? A. That is correct.

Q. Now, what is the next thing that you did in that room? A. I myself took the list and went through it in the same fashion as Sergeant Paige, with Arthur.

Q. And was Sergeant Paige there at this time?
A. He was for a very short period of time. Then he left the room.

Q. And you were there alone with Culombe?
A. That is correct.

Q. Now tell the Court what happened when you were going through this list? A. His answers were the same to me as they had been to Sergeant Paige. After completing the list I asked Arthur if he didn't want to co-operate.

Q. What did he say to that? A. He said that he did, but it was a big decision to have to make.

Q. And was there discussion further about all of these incidents that you were investigating, particularly with reference for example, to weapons? A. There was.

Q. What was said with reference to weapons? A. I asked Arthur if we were to find the guns, how many we would find.

Q. What did he reply? A. He said that we would find four.

Q. Was there further conversation about that? A. There was.

Q. Tell us the rest of the conversation. A. I asked him if we would find the four guns together? He said no, they would be in different locations. I further asked him if we would find the guns on dry land or under water. He said "Under water". I asked him if the water would be fresh or salt. He said "Fresh". I asked him if it would be necessary to grapple for the guns. He said that it wouldn't be, the water wasn't deep.

Q. Does that complete your conversation with reference to weapons, now? A. Yes, sir.

Q. Was Sergeant Paige in the room at that time? A. I think that he came back into the room while we were discussing the weapons, yes, sir.

Q. Was there further discussion before you left this room. A. There was.

Q. Between you and Culombe? A. Yes, sir.

Q. Tell us about the next conversation that took place between you and Culombe in the interrogation room? A. I asked Arthur why he didn't cooperate with us fully, and he repeated that it was a big decision to make. He further said that he would need time to think it over, it would take time to make his decision. I asked him if he

was reluctant because he was in fear of anyone and he said that he was, he said that he was in fear of Joseph Taborsky. He told me that Joseph had threatened him after the New Britain job, told him he would kill him if ever he talked to the police.

Q. Now, is this the conversation that led up to leaving and going to Coleman Drive? A. That's correct.

Q. Was there additional conversation before you decided to go to Coleman Drive? A. There was.

Q. Tell us that conversation. A. I told Arthur we work along with him and perhaps it would not be known how we gained our information relative to the guns. In fact, I asked him how he wanted us to find the guns and he said "By accident."

Q. Was there conversation about leaving to go to his home or going to where the guns were located? A. There was.

Q. Tell us that conversation. A. He said that he would take us to the location where we would find the guns, and he was somewhat concerned over the car we were going to use. He specified an unmarked cruiser or police car and he was assured that the car he would be in would have no police marker on it. There would be no signs or plates to identify it.

Q. Is this the conversation that led up to the decision to go out to Arthur's home on Coleman Drive? A. That is correct. I believe we left directly after that conversation.

Q. Have you related to us all the conversation that took place between you and Culombe in the interrogation room on February 27? A. To the best of my recollection, I have.

Q. What was the next thing that occurred after this conversation was finished? A. Lieutenant Rome, Sergeant Paige, Detective O'Brien, Arthur Culombe and I got into the police car and we were directed by Arthur to his home.

Q. That is at 20 Coleman Drive in Hartford?
A. That is correct.

Q. Were you all in one vehicle? A. Yes, sir.

Q. Was it a State Police car? A. That's correct.

Q. Who was operating the vehicle? A. I was when we left the Police Headquarters.

Q. You were operating it when you left Police Headquarters? A. That's correct.

Q. Did you operate it until you got to Coleman Drive? A. No, sir, I did not. After driving approximately three or four blocks, I changed positions with Detective O'Brien. I beg your pardon. I was not driving when we left. Detective O'Brien was driving.

Q. Detective O'Brien was driving when you left Police Headquarters and three or four blocks later you changed positions with him? A. Yes.

Q. And you drove the car? A. Yes.

Q. And drove it until you arrived at 20 Coleman Drive? A. I did.

Q. When you were in the car was the conversation with Culombe - was he engaged in conversation? A. Yes, he was.

Q. And the conversation that occurred in the motor vehicle - do you remember whether or not a record was made of that conversation? A. Yes, I believe there was.

Q. Do you recall any of the conversation that occured in the motor vehicle? A. I recall some points or parts of it.

Q. What was the nature of the discussion - what were you talking about? A. The discussion was relative to the double shooting at New Britain - this gas station - Kurp's gas station.

Q. Do you recall anything specific in the conversation Culombe engaged in or any of the words or expressions he used in the car? A. He did give a resume of the incident to Lieutenant Rome, and I can recall him saying that he and Taborsky drove into the gas station; Taborsky got out of the car, entered the station with the attendant. Arthur said he heard a gun shot or gun fired. Taborsky came out of the station, or he was in the act of coming out of the station when a customer drove in. Arthur made some attempt to service the car, and he was then told by Taborsky that the operator of the car might have their marker number, and he said that the operator was called into the station or told to come into the station. Arthur said Taborsky went into the station with the second man, the customer, and he again heard a shot. That is about all I can recall as to the conversation.

Q. Was there also conversation in the vehicle concerning the location of the weapons? A. Yes, sir, there was.

Q. Do you recall any conversation as far as Culombe was concerned - any conversation he had concerning weapons? A. I am of the opinion that while we were enroute to his home he mentioned the medicine chest or cabinet in his bathroom, saying we would find a weapon there. He also mentioned a swampy or marshy area close to his home. That is all I can recall.

Q. So that is all the essential conversation you can

recall that occurred in the motor vehicle that Culombe participated in? A. That is right.

Q. When you got to 20 Coleman Drive what happened? A. I entered Arthur's home - the Culombe home - along with Lieutenant Rome, Sergeant Paige, two department photographers and Detective O'Brien. I sat in the living room with Arthur and his wife and the little girl.

Q. Were you present when conversation occurred between Arthur and Lieutenant Rome - Culombe and Lieutenant Rome? A. Not that I recall.

Q. Were you present when Culombe talked to Lieutenant Rome as to the location of weapons in the apartment - did you see him go into the bathroom, for example?

A. I saw them leave the living room but I didn't know it was the bathroom.

Q. You didn't go into the bathroom? A. No, sir, I did not.

Q. When you were in the apartment were you always in the living room? A. Yes, sir.

Q. Where were you in the living room? A. I was sitting on the divan with Arthur, his little daughter—

Q. Where was Mrs. Culombe? A. She was sitting in a chair in front of us and to our left.

Q. Was there conversation between Mrs. Culombe and Culombe in the living room in your presence?

A. There was.

Q. Can you state to the Court that conversation?

A. Arthur told his wife that he had decided to cleanse his conscience and make a clean breast of things. He said further that he might get life but he wouldn't get the chair, or that Taborsky would get the chair. I think that is what

he told us - he would get life but Taborsky would get the chair. He also mentioned the fact that he didn't want to cause his wife any embarrassment insofar as the neighbors were concerned by having the Police come to his home.

Q. Did he mention - insofar as the neighbors were concerned? A. Yes, sir.

Q. Was there conversation as far as Mrs. Culombe was concerned in response to what Culombe was telling her? A. Yes, sir.

Q. Do you remember anything Mrs. Culombe said to Mr. Culombe in your presence? A. She asked Arthur how he got mixed up in such a thing, and he said it was because of Taborsky, or words to that effect.

Q. Was there any further discussion between Mrs. Culombe and Arthur with reference to the involvement - his involvement in these incidents? A. No, sir. However, he did mention being in fear of Taborsky because of her. He said that he didn't want Taborsky to do her any harm.

Q. He said he didn't want Taborsky to do her any harm - Mrs. Culombe any harm? A. His wife any harm.

Q. His wife? A. That's correct.

Q. Now, were you always in the living room with Mrs. Culombe and Arthur while you were inside the apartment? A. Until we were ready to leave, yes, sir.

Q. Is there any other conversation that occurred between Mrs. Culombe and Culombe in the apartment that you heard? A. Mrs. Culombe did mention the fact that the TV set was not working or not working properly. I recall that the set was not playing.

Q. That is all the conversation you recollect that occurred between Mrs. Culombe and Culombe in the Culombe apartment? A. That is correct.

Q. Now, did you leave the apartment? A. I did.

Q. And where did you go? A. We were directed by Arthur to the intersection of Newfield Avenue and Dexter Street.

Q. And did everyone that was in that party go to Dexter Street and Newfield Avenue? A. Yes, sir.

Q. And when you went there to Dexter Street and Newfield Avenue what occurred? A. Arthur pointed to a swamp or marsh and said that we would find two guns in this marsh that he had disposed of - that he had thrown in there. He pointed out the approximate location of the guns to us.

Q. And that was in front of the entire party?, I take it?
A. That is correct.

Q. Did anything else happen in the area there at the corner of Dexter Street and Newfield Avenue?
A. Not to my knowledge.

Q. And where did you go after you left Dexter Street and Newfield Avenue? A. We drove down Dexter Street to the intersection of Dexter and Reed.

Q. What occurred at that location? A. He pointed out a dump that was filled with water and he stated he had thrown a raincoat or a coat similar to a raincoat type into the water directly after the New Britain incident - that he had disposed of it there because it was splattered with blood.

Q. Did he point out the location where the coat might be? A. He did - he pointed the coat itself out to me.

Q. What did you do? A. I went to the edge of the water and by using a long pole I was able to draw it into the shore.

Q. You brought in the raincoat? A. That is correct - I pulled it by the use of a pole.

Q. And what kind of a coat was it? A. It was a brownish cloth rain repellant coat - I would call it.

Q. You turned that over to the proper authorities as part of the investigation in this case? A. I myself put it into the trunk of the car that I was driving and locked the trunk.

Q. But you subsequently turned it over to your superior officer in connection with this investigation?
A. That is correct.

Q. Is that all that occurred at Reed Street at this location? A. That is correct that is all that occurred.

Q. Where did you go after you left that area?
A. We went back to Arthur's home on Coleman Drive.

Q. What occurred there? A. In the basement of the home he showed us - pointed out a large wooden cabinet and told us that underneath this cabinet we would find a weapon wrapped in paper. We pried the cabinet off the floor and took out a package or a parcel wrapped in paper that did contain a gun that had been mutilated.

Q. You also took possession of that in accordance with your investigation? A. One of the officers present took possession of it. I didn't take it myself.

Q. Is that all that occurred back at Coleman Drive?
A. To the best of my knowledge, yes.

Q. Did you see Mrs. Culombe at that time? A. No, sir.

Q. You didn't go into the apartment at that time?
A. No, sir.

Q. After you left Coleman Drive where did you go? A. We then went to a used car lot on Main Street - I believe the name of it is Hymie's - Hymie Borden's. I beg your pardon. We next went to Chandler Street and Arthur directed us to a culvert on Chandler Street, and he said that in this culvert he had thrown wallets and keys which were taken from the victims at Kurp's gas station.

Q. Was anything found in response to that information at that time? A. A quick search - a cursory search was made.

Q. And then did anything else occur at this location or is that all that occurred? A. Yes.

Q. Then where did you go? A. We went to Hyman Borden's Garage on Main Street.

Q. What happened there at Hyman's Garage? A. Arthur pointed out a car to us parked in the rear of the garage and stated that this was the car he owned and he had used on the New Britain job. He referred to this incident as a job.

Q. Do you recall what kind of a car it was? A. I can't recall.

Q. Do you recall the color? A. I am sure it was black.

Q. Black? A. That is correct.

Q. After you left Borden's Garage where did you go? A. We then returned to State Police Headquarters.

Q. What time did you arrive back at State Police Headquarters, if you recollect? A. Approximately six o'clock - P. M.

Q. When you got back to State Police Headquarters what did you do? A. There was a short discussion in the Major's office with Major Riemer, Commissioner Kelly,

Lieutenant Rome, Sergeant Paige, Detective O'Brien, Arthur Culombe and myself all being present, and we then went into the dining room where we had our supper.

Q. Were you present in the dining room with Culombe? A. I was.

Q. Did you stay with him during the eating hour or time? A. I did, yes, sir.

Q. After you had eaten where did you go? A. We went up to our office on the third floor of State Police Headquarters.

Q. That is the Special Services office? A. That is correct.

Q. And did you continue in this investigation beyond that time? A. No, sir, I did not.

Q. And insofar as your investigation concerning the New Britain matters, which is the subject of this inquiry, is this the only participation you had in the New Britain affair? A. Up until this time, yes, sir.

Q. You had nothing further to do on this date?
A. Not on this date, no, sir.

MR. LABELLE: You may inquire.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Officer Murphy, you were in the Culombe living room on the afternoon of Wednesday the week of the investigation? A. Yes, sir.

Q. And in the living room with you was Arthur Culombe and his wife and the youngest child? A. That is correct.

Q. And the youngest child was where? A. She was sitting on the end of the divan closest to the kitchen, shall we say.

Q. Wasn't that child sick? A. I don't know.

Q. Did Culombe say the baby was sick and something ought to be done about it? A. Not that I heard.

Q. Wasn't something done about that baby - wasn't it taken to a hospital that night? A. I later heard that, but not to my knowledge at that time.

Q. Well, you heard a conversation between Culombe and his wife, didn't you? A. That is correct.

Q. Did you hear Culombe say to his wife: "There is one reason I am telling you things now so they won't be bothering you anymore."? A. I can't say that he used those words.

Q. What words did he use? A. He said that he didn't want to cause any embarrassment.

Q. Did he use those words? A. Yes, sir, I believe he did.

Q. What else did he say? A. He said that he had decided to clean his conscience or cleanse his conscience and make a clean breast of everything.

Q. I would like to get for the record from you the exact words. Who spoke first, Culombe or his wife? A. Arthur Culombe spoke first.

Q. What did he say, using his words? A. I don't think that I could use his exact words.

Q. Didn't you make a note? A. No, sir.

Q. You are a detective in the Special Service Division? A. That is correct.

Q. You were part of a team endeavoring to get a confession from a man whom you were investigating for first degree murder, weren't you? A. Yes, sir.

Q. Don't you carry a note book with you? A. Yes, sir.

Q. Did you have a note book with you at the time?
A. Yes, sir.

Q. You know notes were made in the car of words that Culombe said which would tie him in with the murder, don't you? A. Yes, sir.

Q. But no notes were made of words of Culombe that would explain why he was making statements, were there?
A. Mental notes.

Q. You know that I am not talking about mental notes, don't you Detective Murphy? Don't you know that?
A. You mentioned notes.
Q. Did you think that I meant mental notes, did you? A. I thought so.

Q. Do you carry mental notes in your pocket?
A. No, sir.

Q. I asked you if you had notes in your pocket?
A. That is correct.

Q. You knew that I was not referring to mental notes, didn't you? A. Yes, sir.

Q. So that when you said just now that you thought that I meant mental notes, you did not mean that, did you? A. I did make mental notes.

Q. You did mean it? Why didn't you make written notes? A. I just don't know why I didn't.

Q. Don't you think that you should have? A. Now perhaps I do. At the time I didn't think so.

Q. Don't you think in fairness to this accused, on trial for murder, notes should have been made of all of his conversations—written notes? A. That's possible.

Q. And it wasn't done, was it? A. Not on my part, no sir.

Q. How many words did Culombe use in his opening statement to his wife? A. I couldn't say exactly.

Q. Tell us the exact words that Culombe used to his wife? A. That he had decided to make a clean breast of things.

Q. You mean when he walked into the livingroom the first thing that he said to his wife - tell me what he said the first thing that he said to his wife? A. The first thing that he said to his wife I would not have heard, because I was not standing alongside of Arthur when he entered the livingroom.

Q. Where were you standing? A. I was perhaps five or six steps behind him.

Q. How far behind him? Five or six steps? In number of feet? A. That would be four or five feet between Arthur and myself as we entered the apartment.

Q. How many officers went into that apartment? A. Approximately six. I can stop and give you an exact number, but I say approximately six.

Q. Who were they? A. Lieutenant Rome.

Q. One. A. Sergeant Paige.

Q. Two. A. Lieutenant Tierney.

Q. Three. We haven't heard his name before. A. He is the photographer.

Q. Four? A. Lieutenant Tierney's assistant.

Q. Five A. Arthur.

Q. We are talking about officers. A. And myself.

Q. Six, including yourself? A. And Detective O'Brien, whether or not he preceded me or followed me I don't know.

Q. Were you at the tail end of the procession?
A. I would say so.

Q. You mean all these officers walked in and they were between Culombe's wife and Culombe? Do you mean that? A. No, sir, I didn't say that.

Q. I understood you to say, Officer Murphy, that you found it difficult to hear because five or six officers were between you - between Culombe and his wife.
A. Between Culombe and I.

Q. Between Culombe and yourself? Were they between Culombe and yourself in duck-like fashion, as ducks walk down the street, one behind the other? A. To a certain extent, yes.

MR. LABELLE: Objected to, Your Honor.

THE COURT: Oh, I will allow it.

MR. McDONOUGH: You know how ducks walk, don't you?

THE COURT: Mr. McDONOUGH, don't question him, too.

Q. Were they walking in that fashion? A. Single file.

Q. Indian file, let's call it that. That is the way they were walking, and because of those men being between you and Culombe you couldn't hear what was said. You want the Court to believe that? A. I do, because that is the truth. I did not hear his first words to his wife.

Q. Then there were words, or a conversation that you

didn't hear? A. Prior to my entering the apartment, yes.

Q. Culombe could have said to his wife, then, for all you know, that "I have decided to tell things so they will stop bothering you. There was one reason I am telling things now, so they won't be bothering you any more." He could have said that to his wife and you didn't hear it?

A. That is correct.

Q. And it is true that Culombe told his wife that he was trying to relieve her of embarrassment with police coming to the house? A. He did not say that.

Q. You used these words, Mr. Murphy, "He did not want his wife any embarrassment so far as the neighbors were concerned by having the police come to the house." Didn't you say that he said that? A. I said that he wanted to save his wife embarrassment as far as the neighbors were concerned.

Q. Is that what you recall about your testimony of five minutes ago, at the most? A. That is correct.

Q. You did say for the record, "By having police come to the house". Do you want to say that you didn't say it?

A. I will not. I may have said it.

Q. And a moment ago you said that you didn't say it. Did you or didn't you? A. I don't believe that I used your exact words.

Q. Well, I am stating that you did. I wrote it down. Don't you remember using those words? A. Yes, sir.

Q. You do remember them, then? And why did you deny it a moment ago? A. I said I didn't think I used them as you did, as you gave them back to me.

Q. I did give them back to you. Won't you accept that you used those words? A. If you copied them down.

Q. But you couldn't remember using them, could you?
A. Yes, I remember using them, but I didn't think that I had used them exactly as you read them back to me.

Q. If you can't remember what you said two minutes ago are you sure that you can remember everything that was said on February 27th, nearly three months ago?
A. It isn't a question of remembering what I said. It is the sequence of my saying it.

Q. Mr. Murphy, I am not asking you about any sequence at all. I am asking you about what was said. Did you understand me? A. No, I didn't.

Q. Was I asking you about a sequence? was that the way that you understood my question? A. As you read it back to me I thought perhaps that that was my exact wording.

Q. What do you mean by sequence? A. Stating first the embarrassment and being bothered, causing her embarrassment, relative to the neigbors by having the police at the home.

Q. You didn't understand me, Lieutenant, to be asking you for the exact words. A. Yes, perhaps I did.

Q. You did understand me then, didn't you?
A. Yes, sir.

Q. But you didn't give me the exact words. You gave me the sequence as you call it? A. That's correct.

Q. Give me the exact words that were used by Culombe. Not the sequence. A. I can't give you the exact words.

Q. Very poor memory you have, is that right?
A. The exactness of the words I can't give you. I can give you the gist of it.

Q. You can give us the exact words of Culombe in the car, can't you? A. No, sir.

Q. You couldn't? You haven't quoted his words correctly or exactly? A. I haven't quoted them, no, sir. I couldn't quote them.

Q. You have given the sequence that you have put together? A. As I can best recall it.

Q. In other words, your testimony about whatever Culombe said at any time during your testimony is not testimony as to what he said, but a sequence that you have created? A. No, sir.

Q. Are they his exact words? A. No, sir.

Q. They are not his exact words? What are they?
A. His words as I can best recall them.

Q. As you can best recall them? But they are not his exact words? A. No, sir, they are not.

Q. You were here when Lieutenant Rome was testifying, weren't you? A. I was.

Q. And Sergeant Paige? A. I was.

Q. And you were present at the interrogation in State Police Headquarters when statements were made by Culombe, isn't that true, that have been testified to? You were present during some of those conferences, weren't you? A. One of those conferences.

Q. And all of the testimony that you heard, Officer Murphy, and all of the testimony that you have given about that one conference, none of that testimony has been Culombe's exact words, isn't that so? A. Yes, sir, I would say some of the words were his exact words.

Q. How many of them? What portion of them?
A. I couldn't say exactly how many of his words.

I am giving you the words or I gave you the wording as I could best remember it.

Q. But all of the testimony that you have heard and that you have given about that conference, that includes Lieutenant Rome's testimony that you heard, Sergeant Paige's, Officer O'Brien's and your own, are not exact quotations from Culombe, are they? A. I can't speak for the Lieutenants and the Sergeant's testimony. I was not present when they spoke to him.

Q. Weren't you present when Sergeant Paige was interrogating? A. Only on one occasion.

Q. I am talking about that one occasion. Don't you understand that, Officer? A. I do now.

Q. Didn't you a moment ago? A I did not.

Q. The question asked you about that one conference, but now you understand it let's go on and I will ask you again about that one conference or interrogation. Is all the testimony that you have given and that you heard Lieutenant Rome give and Sergeant Paige give, the words, the exact words of Culombe?

MR. LABELLE: It is objected to, Your Honor.

THE COURT: Sustain the objection.

MR. McDONOUGH: May I have an exception?

THE COURT: Repetitous. Surely. I'm clear on it, Mr. McDonough.

MR. McDONOUGH: But may I have an exception?

THE COURT: Oh, certainly.

Q. How long did Culombe and his wife talk in the house? A. I'll approximate the time as being fifteen minutes.

Q. What was said in that fifteen minutes? That's a long time to talk, Mr. Murphy. You realize that don't you?

A. Yes.

Q. That is the average length of a reasonably good sermon on Sunday, fifteen to twenty minutes, isn't it?

A. I don't know that, sir.

Q. Don't you listen to sermons? A. I do.

Q. All right.

MR. LABELLE: Your Honor, I think -

MR. McDONOUGH: I'm not claiming it.

THE COURT: Go ahead.

Q. Fifteen or twenty minutes is a long time to carry on the conversation, isn't it? A. I didn't say fifteen or twenty minutes.

Q. Fifteen? A. Yes, sir.

Q. You know fifteen minutes is a lengthy conversation? A. I think that it is.

Q. Well, they said more in that fifteen minutes than you have told us, didn't they? A. Possibly, yes.

Q. What did they say? A. As I previously said Arthur said that he decided to make a clean breast of things, cleanse his conscience.

Q. Go ahead. A. Further that he did not want to cause any embarrassment to his wife. He also said that he was afraid that Taborsky might cause his wife some harm. They also discussed the television set. If there was any further conversation, I can't recall it.

Q. That is exactly a minute and a half it took you to tell us, and that is the sequence. Do you want to tell this Court that it took fifteen minutes to say those things? You

took a minute and a half to tell a fifteen minute conversation? A. I only mentioned the subjects that they discussed.

Q. And what did Mrs. Culombe say about being bothered by the police? A. As far as I can recall she said nothing about being bothered.

Q. You mean you don't recall? A. Her saying anything about being bothered.

Q. Will you swear that she did not say that she was bothered or hoped that she would not be bothered any more? A. I will swear that I cannot recall her saying that she was bothered.

Q. You will swear that you cannot recall? Will you under oath say that she did not say that? A. Not in my presence.

Q. She did not say it in your presence? A. No, sir.

Q. Your hearing is good, isn't it, Officer? A. Very good.

Q. And you were there all during the conversation?
A. Yes, sir.

Q. Do you want it understood that she did not say, in reply to Culombe, "I hope that's the truth and I hope they don't bother me any more." A. I can't recall her saying that, Mr. McDonough.

Q. You won't say that she didn't say this, will you?
A. No, sir, I won't.

Q. Did you hear Culombe say to Sergeant Paige, after Mrs. Culombe made a reply, did you hear Culombe say to Sergeant Paige "Isn't that right, Sergeant? You won't bother them any more?"
A. I did not.

Q. There are a number of things that you didn't hear or don't recall about that conversation, isn't that so?

A. Possibly there are, yes.

MR. McDONOUGH: That's all.

THE COURT: Anything further with this witness, Mr. LaBelle?

MR. LABELLE: Nothing further, Your Honor, with this witness.

THE COURT: All right, you may step down.

MR. BILL: That closes the State's evidence on the admissibility of this.

THE COURT: Are you ready to proceed, Mr. McDonough?

MR. McDONOUGH: May we have a short recess of about five minutes?

THE COURT: All right, escort the accused from the courtroom, please.

(Accused escorted from the courtroom)

THE COURT: Mr. McDonough, do you want a five minute recess? Or do you want me to take a short recess and you tell me when you are ready?

Mr. McDONOUGH: I think that would be better Your Honor. Thank you.

THE COURT: Short recess, Sheriff.

(Recess at 12:00 noon)

AFTER RECESS - 12:14 P. M.

THE COURT: Bring up the accused, Sheriff. (The Accused were present in the courtroom.)

THE COURT: You may proceed when you are ready.

MR. BILL: Before a witness is called, I think I should make it clear about these exhibits, Z and Z-1.

THE COURT: All right.

MR. BILL: I have made some notes on my understanding of the situation and I will make a statement that the State claims that State's Exhibit Z-1 for identification is the confession of Arthur Culombe - I will say the alleged confession of Arthur Culombe - on Wednesday, February 27 and 28; that it contained another incident which, if offered would have to be eliminated because it would be prejudicial to the accused.

It is my understanding that counsel for Culombe has examined Exhibit Z and Exhibit Z-1 for identification and stipulates that the New Britain incident as described in State's Exhibit Z for identification is a copy of the New Britain incident as described in State's Exhibit Z-1 for identification, and that State's Exhibit Z may be substituted by the State for State's Exhibit Z-1 and shall constitute the exhibit which shall be offered in evidence as the alleged confession made on Wednesday, February 27 and early Thursday, February 28th.

MR. McDONOUGH: That is right.

THE COURT: All right, then you may proceed.

MR. BILL: You agree to that?

MR. McDONOUGH: Yes.

Do you have those exhibits for identification I turned over to you last night, Mr. Matus?

I offer the Culombe Defendant's Exhibit 4, which is the warrant and information in the New Britain Police Court now as a full exhibit.

THE COURT: Any objection?

MR. BILL: No objection.

THE COURT: It may be made a full exhibit.

MR. BILL: We are not putting in full exhibits, are we?

MR. McDONOUGH: We can do it.

MR. BILL: Well, the jury isn't here. Do you have to do it now?

MR. McDONOUGH: I didn't think you would object. We want to examine from the exhibit and it can't be examined from as an exhibit for identification.

THE COURT: I wouldn't see any prejudice to anyone in doing it this way.

MR. BILL: I was just thinking. Certainly, you couldn't, for instance, receive the confession as an exhibit here.

THE COURT: Oh, no. Suppose we do this - suppose we don't make it a full exhibit, Mr. McDonough, but the understanding is you will offer it before the jury and I will have it marked?

MR. McDONOUGH: All right, but it can be examined on now?

THE COURT: It can be examined on now, as I understand it.

MR. BILL: That is what we have been able to do with the confession. I understand if it is to go in as a full exhibit it has to go before the jury.

THE COURT: Oh, surely. Suppose we preceed with this understanding - that you may examine on any of the exhibits you have marked for identification. When the matter comes before the jury and if it comes before the jury you may then move to have it made a full exhibit.

MR. McDONOUGH: That will be satisfactory, Your Honor.

THE COURT: All right.

MR. McDONOUGH: Culombe.

ARTHUR CULOMBE, an accused, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. Arthur Culombe.

Q. Your address? A. 72 Seyms Street, Hartford.

THE COURT: Mr. McDonough, can I assume for the record that he has been already advised as to his rights and his proceeding thereunder?

MR. McDONOUGH: Yes, sir.

THE COURT: Proceed.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. You are the defendant in this case of State against Arthur Culombe? A. Yes, sir.

Q. And you are now at the County Jail in Hartford? A. Yes, sir.

Q. Being held under a warrant charging you under an indictment of murder in the first degree? A. Yes, sir.

Q. How long have you been at the Hartford County Jail? A. Well, I believe I was there since February.

Q. What part of February? If you don't remember the exact date— A. No, sir.

Q. Was it the beginning, middle or end of February? A. I think it was around the middle sometime.

Q. You were brought there by whom? A. The first day I was brought here - I think was February 26th.

Q. Now, before you were at the Hartford County Jail, brought there on February 26th, were you in custody of Police Officers? A. Yes, I was.

Q. And what Officers? A. Sergeant Paige was one.

Q. Of the Connecticut State Police? A. Yes, Connecticut State Police, and three or four more - I don't recall their names.

Q. Was Lieutenant Rome one of them? A. Lieutenant Rome was one of them.

Q. And when were you taken in custody - first taken away from your liberty and taken away by Police Officers? A. I was taken away in February - I believe it was about the sixth or seventh of February.

Q. What day of the week? A. It was on a Saturday.

Q. And what time on Saturday? A. It was in the afternoon - about two-thirty or three o'clock.

Q. And you were taken- A. Well, at the time I went to Joe Taborsky's—

Q. No. Who were you with at the time you were taken into custody? A. Sergeant Paige and another officer - I don't know his name.

Q. To go back a little further - how old are you?
A. I am thirty-three years old.

Q. And are you married? A. Yes, I am.

Q. Have you children? A. Yes, I have.

Q. How many children? A. Two.

Q. How old are your children? A. Five and thirteen.

Q. Are they boys or girls? A. No, two girls.

Q. Thirteen and five. And were you living in Hartford at the time you were taken into custody? A. Yes, I was.

Q. Where were you living? A. 20 Coleman Drive, Hartford.

Q. How long had you been living there? A. About two and a half to three years.

Q. What is the condition of your health if you know?
A. Poor.

Q. Poor. And how long has it been poor?
A. Roughly about twenty years.

Q. How long? A. About twenty years.

Q. Have you ever spent any time in hospitals?
A. Yes, I have.

Q. What hospital have you been in? A. Bridgewater State Hospital in Bridgewater, Mass.

Q. What type of a hospital is that? A. It is an insane asylum.

Q. When were you there - if you remember? If you don't remember, say so - don't guess? A. In 1939.

Q. And how long were you there? A. About thirty-eight days or so on observation from the Court.

Q. The Superior Court in Massachusetts?
A. Yes.

Q. For observation? A. Yes.

Q. Were you in any other hospitals in Massachusetts?
A. Yes.

Q. What hospital were you in in Massachusetts?
A. Wrentham State School.

Q How long were you there? A. About a year and a half or two.

Q. What type of hospital is that? A. That is for somebody with weak minds.

Q. A mental institution? A. Yes, sir.

Q. How did you get out of there? A. I took off.

Q. You took off? A. Yes, sir.

Q. And then you came to Hartford later? A. Yes, sir.

Q. Now, going back to Saturday afternoon when you were taken into custody that you referred to. what time in the afternoon if you remember - if you don't remember say so - were you taken into custody? A. About two-thirty o'clock in the afternoon.

Q. Who took you into custody? A. Sergeant Paige and some other Officer - I don't know his name.

Q. And where were you when you were taken into custody? A. I was at my home

Q. You were at your home? A. Yes, sir.

Q. Before you were taken into custody did you see Joseph Taborsky? A. Yes, I have.

Q. When - that afternoon? A. Yes, I have.

Q. How long before you were taken into custody did you see Joseph Taborsky? A. Maybe about half an hour or so - if it was that long.

Q. And were you with Joseph Taborsky when he was taken into custody? A. I was with him when he was taken into custody.

Q. Is that the half hour or so you spoke of? A. Yes.

Q. Tell His Honor what happened at that time?

A. Well, at that time Joe and I was coming out of his house and he had two bags with him, one containing liquor - a fifth of liquor.

Q. Keep your voice up so Mr. Burke can hear and Taborsky? A. He had a bag containing a fifth of liquor and a fifth of ginger ale and was coming out of his home and was going down to the railroad station to get a bus home. I was going to bring him there.

Q. What? A. I was going down - he was going down to the railroad station to get a bus to go back to his house.

THE COURT: He said too I was going to bring him there but he didn't repeat it.

THE WITNESS: And the two Officers approached the car. One Officer was Officer Griffin and the other Officer was Moran and he says - I was sitting in the car and Joe went to sit in my car and he says, "This is no arrest or anything like that."

Q. Who said that? A. Officer Moran, I think. He said, "This is no arrest or anything like that - The Lieu-

tenant - or something - wants to question you or wants to show you some pictures or something or another," he said.

Q. Who did he say that to? A. He said that to Joe in front of me. He says, "Will you boys follow our car down to the barracks? And that is what we did. The barracks is on Washington Street. I let Joseph off there and I figured they didn't want to see me and I drove home.

Q. Go ahead. A. Two or three minutes after I am home two policemen come to the door and I was in the bathroom and I don't know what they said to my wife but they got her upset, and somebody knocked at the door - I don't know if it was Sergeant Paige or the other one, and so I came out of the bathroom, and he says,—

Q. Who said? A. Sergeant Paige - he was sitting on the couch and he says, "This is no arrest or anything like that." He says, "We would like to have you come along with us." I says, "For what?" and he says, "Well, they want to show you some pictures," and I says, "Who?" and he says, "The Lieutenant - Lieutenant Rome." So I got in my car and Sergeant Paige got in my car and we drove down to the barracks and I asked him where to park and he says any old place, and I went upstairs and went into the lounge up at the State Police, and one of the Officers says, "You are not under arrest or anything like that and make yourself at home."

Q. Who said that? A. I don't recall that. He is in the courtroom here but I don't know his name. So he turned on the television and there was a basketball game playi g and he says, "If you need to go to the bathroom or anything like that, it is down at the end of the hall and I will show you where it is." So a few minutes after I had to go and I went and he followed me in there. I come out and he followed me back and he says, "What's the score?" I said "I don't know what the hell the score is."

Q. You said what? A. I says, "I don't know what the hell the score is; I am not interested in this crap", and shortly after, maybe half an hour after he started asking me a—

Q. This is the same policeman? A. This is the same policeman - and he was asking me where I worked and I told him I was employed by the Hartford Despatch and he says how long did you work there and I told him about three years, and he says, "The Lieutenant wants to see you", but I didn't see such a thing as he called the Lieutenant.

Q What is that? A. I didn't see anything that he called a Lieutenant at the time.

Q. Go ahead. A. So he says, "Will you follow me down to the other end of the hall?" So I did, and Sergeant Paige says to me, "You look cold with that jacket on, aren't you?" I says "No, I am all right." He says, "Why don't you put this coat on—

Q. What kind of a jacket did you have on? A. A leather jacket - a brown one.

Q. Were you cold with it? A. No, I wasn't. Then he says, "Why don't you put this jacket on - this coat on - " and I says, "For Christ sake, this is too big for me." So I put it on and he says, "Put the other one in the car - the leather jacket." So I did.

He says, "We are going to take you for a ride," and I says, "Where are you going to take me?" and he says, "We are going to take you out to Manchester" - that is what he said at the time. And I am in the car and he showed me some pictures thugs or prisoners who had broke out of State Prison.

Q. What did you say they were? A. Some thugs - pictures, so I says, "I don't know those guys," and he says,

"Didn't you meet them?" and I says, "I didn't meet these guys."

Q. What? A. I says, "I didn't meet these guys before." And he says, "We have got a few matters we got to talk about," and I says, "What do you mean by matters?" and he says, "You know - the places that were being held up, and we want to bring you to see a few things to identify." I says, "Do I have to be identified in this coat?" He says, "That isn't the purpose we gave you this. We give it to you because it was one of the officers." It was all stained and greased up and the goddamn thing was too big for me to begin with.

So, we approached to go into Coventry. As we approached to go to Coventry he pulled into this place - call it a country store - two gas pumps in the front and he says to one of the Officers in there - he says, "I will go in and make believe I am ordering a package of cigarettes." Of course, they have the cruiser there with all the policemen in it.

Q. That was there before you got there? A. Yes, I guess they told them to warn us or some other bullshit.

MR. BILL: Objection. And I move that go out.

THE COURT: Yes, it may go out. Confine yourself to the questions.

Q. They had sent a cruiser there they had already notified because I heard them on the phone, and when they got there they went there first, and shortly after Sergeant Paige, I think, told one of the Officers he says, - "You go in there and buy a package of cigarettes," he says "Come with him," so I went with him and "You and Joe look around like you were going to buy something."

Q. Who did he say that to? A. One of the Officers and he says to me, "You and Joe."

Q. Joe who? A. Joseph Taborsky - "See if you are going to buy anything." So we came out and got in the car and we had a drink of liquor.

Q. Where did you get the liquor? A. The liquor was Taborsky's - he has bought it maybe shortly before in a drugstore or some place and it was taken into that Police barracks too. And then it was taken from the barracks into the cruiser and it was a whole fifth of liquor - maybe two or three mouthfuls out of it, and so we took a drink or two.

Q. In the cruiser? A. In the cruiser.

Q. Was that liquor so that it could have been seen when you went into the barracks? A. It was in a paper bag.

Q. Could the bag be seen? A. Oh, it was a big bag - a blind man could have seen that.

Q. And you drank the liquor in the cruiser?
A. Yes, sir.

THE COURT: Sheriff, you keep order in the courtroom, and if you have to check I will take care of that too.

Q. After that what happened - after you had a couple of drinks? A. Then after that Sergeant Paige and somebody else went in there hushing up somebody - I don't know what the hell it was.

MR. BILL: Objection and move the answer go out.

THE COURT: It may go out.

Q. What you don't know you don't have to tell us. Did you see Sergeant Paige or hear him talk? A. He was talking to the man in the station.

Q. Where was he then? A. He was sitting in the cruiser.

Q. You didn't hear what was said? A. No, sir.

Q. What did you do after that or what did any of the Police Officers do or say? A. One Officer - that Officer Griffin remained in the cruiser with me and only two Officers remained in the store, and I think it was Sergeant Paige came out and stood there and two men came out and were standing between the gas pumps. He told them to.

Q. He told them to stand between the two pumps?
A. Yes.

Q. Who did he say that to? A. Two of the Officers - I don't recall their name.

Q. And who were the two men he referred to?
A. Me and Joseph Taborsky.

Q. Then what happened? A. We stood between the pumps with him and one of the fellows from the store said to Joseph, "How do you like the weather up here?" and he says, "It is fine" and he mumbled something to Sergeant Paige and I didn't hear it. He says, "Tell the men to go back in the car," and we went back in the car and stood there for awhile and then we proceeded to come back to Hartford and took the road to Rocky Hill.

After we got to Rocky Hill there was a lady waiting in the package store and Sergeant Paige says to one of the Offieers, "We don't want to cause any embarrassment; we will wait until she comes out," so after the lady come out, another cruiser was there and they went in first. Shortly after Joe and I and some of the other Officers went around inside the package store.

Q. Were you and Taborsky handcuffed on this trip?
A. No, sir, we was not.

Q. Go ahead. A. Before we went in the store Sergeant Paige says to walk in there like you are going

to buy something, make yourself at home and walk around. So, I says, "Well, you got quite a variety of liquor here," to one of the Officers. I says, "You got all types in here." Then I went out and then I noticed Sergeant Paige and one of the Officers was taking notes in that store or getting a man's statement. I don't know that. So we remained in the cruiser maybe twenty minutes or a half an hour and we finished the rest of the fifth of liquor - we drank up the other half and Joe drank one.

Q. How did you feel then? A. Well, we felt kind of whoozy at that time.

Q. You drank the liquor? A. That is right.

Q. Then what happened? A. The Sergeant - Sergeant Paige says to the Officers, "We ought to get these fellows something to eat - they look hungry." One of the Officers says, "I know a good diner - I think it is in Wethersfield." I don't know the name of it. After we went to get out of the car, Joe says to one of the Officers, "Will you get rid of these bottles - they are dead." We drank them, so they threw them in the ashcan.

Q. Who did? A. Officer Griffin.

Q. This was down at the diner? A. Down at the diner.

Q. Go ahead. A. So Joe went to the bathroom - he had to go - and an Officer followed him in there. Then I went in there and he followed me in there. Then we come out and Sergeant Paige says, "You fellows sit in the booth on the inside at the end there."

Q. What diner was this? A. The Wethersfield Diner, I believe. So we did just that, and he says, "Order anything you want." So we ordered meals and they ordered sandwiches. They paid for their own and Sergeant Paige paid for ours. After we got through he says, "It is kind of

late to go any further. I will call the Lieutenant up or somebody there and tell him we are coming in." So we approached the Police barracks there and I was being brought in one room by Sergeant Paige and Joseph Taborsky was brought in another room by another Officer - I don't know his name.

Q. Before we go on to what happened in the room - that ride you have taken, it has been testified by Sergeant Paige that you and Taborsky were invited on that?

A. Well, I wouldn't call it an invitation - you had no choice.

Q. You had no choice? A. No, that is right - you didn't have no choice but get in that car.

Q. Go ahead. A. We were also told to get back into the car.

Q. You were told what - you were not asked to get back in? A. No, sir.

Q. Was it against your will? A. I didn't want to go. I didn't like the idea of it because before I left the house the wife had dinner already, and everything, and she gave me hell for coming home late. She said "For Christ sake, I got dinner already, where the hell you been?"

Q. You don't have to go into those conversations. Anyway you didn't want to go, right? A. That's right.

Q. And because dinner was getting ready did you tell him that you didn't want to go? A. I didn't have no choice to say anything.

Q. What do you mean, you didn't have choice to say anything?

MR. BILL: I object, Your Honor. I do object to Mr. McDonough leading the witness.

MR. McDONOUGH: I will withdraw the question.

Q. You got back to the barracks? A. That's right.

Q. Tell His Honor what happened at the barracks. Who was there? What room? A. I was in one room where they call interrogation room. You know, it is a little room with panels all over and screens with all little dots on it. It looks like where they plant a recording machine or some other bull-shit in there. So in this particular remained me and Sergeant Paige. Sergeant Paige asked me how long I knew Taborsky, or something or another and when I saw him last.

Q. Go right ahead. A I replied I think I saw him just before he got married. That was once. Another time after he got married. He said "What do you mean by other time?" I said "It was New Year's Eve when he stopped to my house with his wife for five minutes or so, wished me a happy New Year and I haven't seen him since until the day they picked him up that afternoon with me." Then he says to me, "Have you ever been on any hold ups lately?" Or something or another.

Q. Who was doing this questioning? A. Sergeant Paige.

Q. Go ahead. A. He asked me "Arthur, do you have any guns?"And I said "I have a collection of guns." I couldn't say no, because they are registered with the police, they know I had them, they could check them out, these guns were registered, registered with the local and state police. The dealer registered them with the local and state police to cover themselves. That's not all the guns. That's just some of them, I think it is four. So how could I say "No"? So I said "I have a collection." He said "What kind?" I think that I told him there's a thirty-two wasn't in working order, and I think I told him there's four thirty-twos, wasn't in working order, and I think that I told him

a thirty-eight Smith & Wesson, was in working order, two twenty-twos was working order, and I think that's all the guns I told him I had. Of course, I told him that I had rifles and shotguns but he wasn't interested in that. He was only interested in short arms, or something, he said.

Mr. BILL: I object, Your Honor, what he was interested in.

THE COURT: What he was interested in may go out.

Q. Was there any talk about a lie detector test?
A. Sergeant Paige says to me.

MR. BILL: I object, Your Honor, to his leading the witness.

MR. McDONOUGH: Your Honor, I am trying to stop the rambling. I think that it would be better for all of us if we did.

THE COURT: I think it would if you ask him questions. Read the question, Mr. Burke.

(Last question read by the reporter).

MR McDONOUGH: My purpose is to try to avoid -

THE COURT: I think that I will allow it. Overrule the objection.

Q. Was there any talk about a lie detector test?
A. Yes, there was a talk about a lie detector test to me by Sergeant Paige.

Q. Tell us about it. A. Sergeant Paige said to me, he says, "Did you ever take a lie detector test?" and I said "No." He says "You know what it is?" I said "I heard of it." He says "Would you like to take one?" And I said "Yes, sir." Then he says to me "Have you ever been hyp-

notized before?" And I says "No, sir." He says "You know that you could be." I said "I don't know about that."

Q. All right, did you take a lie detector test?
A. No, sir, I didn't.

Q. Was there any talk about you bringing the guns from your home that you had told Sergeant Paige about, to the barracks? A. Yes, there was. I didn't bring them. The other officer brought them in an envelope.

Q. Was there any talk about you going home and getting them? A. Well there was. There was talk about me going home and getting them.

Q. Between you and who else? A. Just between me and Sergeant Paige.

Q. What was that talk? A. Well, like I was asked what type of guns and Sergeant Paige says to me, he says, "I'm going to see if I can get you released and you can bring them back in the morning and we will check them out, but first I got to see who is in charge up here."

Q. Well, then, what did Sergeant Paige do after that conversation? A. Well, he went in the room down the other end of the hall to talk to his Lieutenant, and the Lieutenant sent another officer with him to my house to pick up such guns.

Q. Did you go to the house with the other officers?
A. Yes, I did.

Q. Did you get the guns? A. I got the guns, which were contained in the safe.

Q. Did you get some shells that were shown here?
A. There was two boxes of thirty-twos. They are part boxes, different types of thirty-two shells, I think. They had a box of twenty-two shells.

Q. After you finished looking for guns and shells and other articles in the house what did you do then?

A. And then we went back to the Police State Barracks.

Q. Did you go downstairs with Sergeant Paige?

A. No, I went downstairs with the other officer.

Q. Where was Sergeant Paige? A. Sergeant Paige remained up to my house with an envelope, showing my wife some pictures and some other things that he had in there, questioning my wife.

Q. What? A. He was questioning my wife about twenty minutes or more when I was downstairs.

Q. You were sitting in the car? A. I wasn't sitting in the car. It was Sergeant Paige's car and he had the door locked, and he had the keys for it. I was standing by the cruiser with the other officer, the other officer holding onto my arm.

Q. While the Sergeant was upstairs? A. Yes, sir.

Q. And he came down in about twenty minutes?

A. Yes, sir.

MR. BILL: I move that that part be stricken, where he was questioning the wife. It wasn't in his presence.

MR. McDONOUGH: I was going into that.

THE COURT: Let me rule on it. Do you want to clear it up?

MR. McDONOUGH: Yes, Your Honor.

THE COURT: All right.

Q. Did you hear him questioning your wife?

A. Well, as I was leaving he was questioning my wife.

Q. You did hear him questioning your wife?
A. I did.

Q. Then you went downstairs? A. That's right.

Q. Waited there about twenty minutes? A. That's right.

Q. Did Sergeant Paige come downstairs? A. Yes, he come down, and after he started the cruiser up he says to me, he says "I was talking to your wife, but your wife don't seem to remember about Taborsky being at your house." He told me that.

Q. Then what happened? A. Then we proceeded to go to the barracks and he stopped at a drugstore there on the corner of Washington and Park Street, to have a cup of coffee and a piece of pie.

Q. This was all on Saturday afternoon? A. No, this happened Saturday night, later on.

Q. Oh, Saturday night? A. Yes, that was about six o'clock or after, after we returned to the barracks.

Q. What time did you have something to eat and a cup of coffee in the drugstore after leaving the house?
A. Oh, it was about a half hour after.

Q. And about what time was that? A. Maybe seven or eight o'clock. I don't know, roughly.

Q. And from the drugstore where did you go?
A. To State Police barracks.

Q. Where did you go in the barracks? A. I went in the room, what they call interrogation room, of some kind there.

Q. Who with? A. With Sergeant Paige.

Q. What happened in there? A. Then Lieuten-

ant Rome and two or three other officers was waiting in the hallway when we came in.

Q. Was there a table in that room? A. There's a long table in that room.

Q. And what was on the table? A. They put the guns on the table, what was contained from my safe, plus some masses he took.

Q. Do you mean masks that were worn? A. They were masses I had in the collection.

Q. What are they? A. They are black masses, you know. They use them when it snows and people are up in the mountains, you know, when they are hunting.

Q. What did they use them for? A. It is like a hood, goes right over your head. It covers the whole face.

Q. And they were there with some guns? A. Yes, and three handkerchiefs was there, red handkerchiefs.

Q. What did they do with these? A. Well, and then they had two other guns which should have been in there what I took from the sand box, you know, they had sand on them, and one of the officers was fooling around with them and Sergeant Paige looked at the gun and he says "This gun looks like it is in pretty good shape." He says "It's been oiled pretty well. Full of sand." At first he did not know I got them from the sand.

MR. BILL: I move that be stricken.

THE COURT: The part he did not know, may go out. Go ahead, Mr. McDonough.

Q. Go ahead. A. So one of the officers was fooling around with the guns, spinning the cylinder around there, looking at it, and Sergeant Paige says "You don't look like you got that much sand in the house. I don't know how you got that sand on such good guns as these." And

Lieutenant Rome replied to one of the officers, he said "Get these guns tagged and make a report on them and get them down to Captain Schwartz's office or laboratory", or what you call it.

Q. Captain Schwartz? A. Yes. And I was being questioned by different officers that remained in that room.

Q. Who were the officers that continued questioning you? A. I remained with Sergeant Paige, Lieutenant Rome, three or four - I don't know their names.

Q. What questions did Sergeant Rome ask you, if any? A. He asked me, he says to me, he says, "What did you have such an arsenal like this? It's a small arsenal, that is."And I replied to him, I says "That's no arsenal. That's a collection." And he says "Would you like to get these guns back again after we check them out?" And I says "I sure would." He says to me, he says, "You try and get these guns back." He says "You got to put up a bond. After all, you are a convict, you are not a citizen."

Q. Then what was said next to you? A. And the next thing I was being questioned more about the guns and being questioned about the bandannas. They had two bandannas with holes in them that at one time or another had looked like as if they was knotted, they had wrinkles in them at the ends in the back.

Q. What were the questions that you were asked and who asked them about the handkerchiefs?

A. And then I remember Lieutenant Rome had said to me he said, did you tie this in back of your neck and hold up Leone and shoot him, or have you been using them on hold ups?" And I replied "No, sir." He says "What do you use them for?" I says "Sometimes I go hunting and I use them to wipe off the barrel of the shotgun," and after -

Q. What did Rome say? A. And then, let's see.

He says "We don't believe that crap where you use them to wipe off the gun", or something or another.

Q. What else did he say, if anything? A. And I was being questioned more and more and I was brought in to a room that remained across the hall from there.

Q From the interrogation room? A. Across from the interrogation room. They had an officer there, one of the state policemen, but I don't know what his name, or what rank he was over there. And Lieutenant Rome was discussing with him. He says "I'm in charge of this investigation and I ain't - they put me in charge of this investigation and I ain't going to step on anybody in the department because this job don't mean that much to me." Then the phone in the other room rang, I believe, and he went and took the call in the other room - that is, the other office that Rome was talking to, and then Lieutenant Rome says to me, he was asking me more about the bandannas, and I think at first at that time he has called the Chief of Police in Glastonbury.

Q. Were you there? A. I was there. Wanted the Chief to get in touch with him, or to come down, or some victim had been held up out there. And then he says "Culombe" he says, "start telling us the truth about this". He was asking me about the bandannas, so I just kept talking the way I had and he says "Your a God dam liar." That's what Lieutenant Rome says to me. And shortly after being questioned more and a few other things were said, then I was brought out in the hallway by Lieutenant Rome.

Q. What effect, if any did his calling you that name have on you? A. What, sir?

Q. Did that have any effect on you, what he called you then? A. Well, it did in a way.

Q. What way? A. Him calling me a God dam liar, and all this, but he ain't got no proof of it at that time.

Q. How did it effect you? A. I mean, the way that he threw it at me.

Q. What effect did it have on you? Did it effect you?
A. Well, it hurt my feelings, if that is what you mean.

Q. Go ahead. A. And then I was brought - no, I says to him at that time before I left the room, I says "I want to get in touch with a lawyer as soon as possible." I think I said Attorney McDough, and I says to him, I says "when I go to Court I will bring out the way that I was treated up here," or something or another. And he says "You can do anything you want. The judge won't believe you. They will believe us", or something or other, commotion there. And shortly after I believe that I was taken into a hallway, it's a long hallway, remained three or four other officers, but I don't know their names. Lieutenant Rome says to me, he says "You better start telling us the truth about this or we will knock the fucking truth out of you." Then he says to one of the officers, "Why don't we take him downstairs on the stretcher to the Captain's chair in the boiler room. By the time we get done with him we will accomplish something, or he's not telling the truth", I don't know just what the commotion was. Then I think I did say again "I want a lawyer to see how you operate up here and see what you can do and what you can't do." He says to me, he says, "We can't let you see a lawyer at this time."

THE COURT: We will stop here, Mr. McDonough. Will you escort the accused from the courtroom?

(Accused escorted from courtroom)

THE COURT: Recess until two o'clock, Sheriff.

(Recess at 1:00 P. M.)

AFTERNOON SESSION - June 12, 1957 - 2:00 P. M.

THE COURT: Bring in the accused.

(Accused present in the courtroom.)

THE COURT: Mr. McDonough, I take it you want to put Culombe back on the stand?

MR. McDONOUGH: Yes, Your Honor.

THE COURT: Have Mr. Culombe take the stand, Sheriff.

Whenever you are ready, Mr. McDonough.

MR. McDONOUGH: May I have a moment, Your Honor.

THE COURT: Oh, surely.

ARTHUR CULOMBE, previously sworn, recalled.

CONTINUED DIRECT EXAMINATION BY MR. McDONOUGH:

Q. Culombe, were you questioned by the State Police this noon? A. I was questioned by State Police just now?

Q. Yes. A. I wouldn't say exactly questioned.

Q. Were you approached by the State Police officers? A. I was called by one of them - two of them downstairs.

Q. Did you call them or did they call you - did they come over and talk to you? A. Well, they came over and talked to me in a way.

Q. In a way. Did you ask for them? A. I did not.

Q. Policemen that are in this courtroom? A. Yes, sir.

Q. Policemen that were here yesterday afternoon when I was questioning Lieutenant Rome about your signing a paper without my permission? A. Yes, sir.

Q. The ones who talked to you this morning? A. Yes.

Q. Who were they? A. Well, one of them was an officer on the stand - Murphy, and another heavy set guy - I don't know his name.

MR. McDONOUGH: Your Honor, may I have the last two or three questions before the recess read?

THE COURT. Yes, read them Mr. MacGlashan.

THE REPORTER: I only have the last answer.

MR. McDONOUGH: That's all right. Read that.

(The reporter read the last answer before recess)

Q. And then what happened? A. Then I expected to go to the Captain's Chair in the boiler room - where they are called.

Q. Where what? A. I expected to go to the Captain's Chair in the boiler room - where the lieutenant was referring to.

Q. Lieutenant Rome? A. Yes.

Q. Did he tell you what the Captain's Chair was? A. He did not.

Q Did he lead you to believe what the Captain's Chair was or might be?

MR. BILL: I object to that.

THE COURT: I will sustain it.

Q. What effect did that remark have on you, if any?

A. It had a lot of effects on me. I felt like I was going to be worked over.

Q. Worked over - what do you mean by worked over? A. Well, they would put me in the chair and tie me up and go to work on me.

Q. You did have that feeling? A. Yes, sir.

Q. Were you afraid? A. Yes, sir.

Q. What time was that- A. I could recall; it was late.

Q. It was Sunday night- A. Yes, sir.

Q. In the afternoon or night? A. It was at night.

Q. Then what happened? A. I expected to go to such a Captain's Chair and they were saying they were taking me down to, but instead they brought me downstairs to be booked and put in the cell.

Q. Did you see any other trooper of the State Police when they were taking you downstairs - three of them?
A. The only thing is, as far as I can remember - he says when you get downstairs to see him - or something like that - and he will tell you something.

Q. Then you were brought down to the cell block?
A. Yes.

Q. In the barracks? A. In the barracks.

Q. How long did you remain there? A. All through the night.

Q. Sunday morning what happened? A. Sunday morning Sunday morning, Lieutenant Rome, I guess before he reported for duty, he come downstairs, looked my cell and laughed at me like it was a big joke. Then he give me a dirty look and went upstairs about his business.

Q. Then what happened? A. Then later on - I think it was in the afternoon, I was brought up in another room where they had a whole bunch of witnesses staged around the room.

Q. Before we get to that - do you know anything about booking on Saturday night? A. He said something to an officer about booking me, but I was so upset and disgusted, I didn't care what the hell he did.

Q. Who said that? A. Lieutenant Rome.

Q. Getting back to Sunday, Lieutenant Rome came downstairs to the cell block, and you told us what he did. Then what happened? A. I was booked and I was put in the cell.

Q. Sunday morning? A. That was Saturday.

Q. They put you in a cell. What happened Sunday morning? A. The only thing is, I see the lieutenant looking in my cell and laughing like it was a big joke, and he give me a dirty look and went back upstairs.

Q. Then what happened? A. Then later on after dinner they brought me upstairs in a room where there was a lot of people there.

Q. Who brought you upstairs? A. I believe it was Sergeant Paige.

Q. And there were a number of people there?
A. Well, I don't recall who they was - officers or what.

Q. Was Sergeant Paige in the room with you?
A. One officer come in the room with me - I don't recall his name. Whether Sergeant walked in the room and went out, I don't know. I don't know if he waited for me but then I was brought back to the cell block.

Q. Were these State Police officers in the room?
A. Lieutenant Rome was in there for one thing.

Q. And who else? A. The other officers I can't recall.

Q. How long did you stay in that room? A. Just two minutes - walked in and around and was looked at and I went out.

Q. Did you go to your cell again? A. Yes.

Q. How long did you remain in the cell? A. I guess I remained in the cell until later that evening.

Q. Then what happened? A. Then I was brought upstairs by Sergeant Paige.

Q. Where were you brought to? A. Brought me up to the kitchen that is down back there, the kitchen of the barracks, I guess the entrance door to the kitchen. He says to me, "I'm going to give you your supper." He gave me a sandwich and a glass of milk. Then after I finished that I walked into the lounge where the State Police have a television set and remained in there. There was a Hartford policeman in there and sitting with him was a bookie.

Q. A Hartford policeman and a bookie? A. That's correct.

Q. Who was the bookie? A. Lisco - Dannie Lisco - and he said to me—

Q. Who said to you? A. Sergeant Paige - he says, "Do you know him?" He says, "You tried to break into his joint, didn't you?" And I says, "What's it on?" He is a well known bookie and when he gets in a tight spot, he tells you everything. He says, "What do you mean when you say that", and I says, "Well, he's telling you this, isn't he?" and Sergeant Paige says, "You were seen leaving the scene with two other men", and he referred to one or the

other of the men", and I told him I didn't know the other man, and I says I was alone - I wouldn't try to break into his joint - I might have kicked a window through. And the Hartford policeman replied, "You mean to tell me you were all alone?" and I says, "Yes, sir", and he says, "Do you mean to tell me you would walk into a bee's nest?" He says, "There was a game going on in there, wasn't there?" and I says, "I don't know about that, and he says, "Didn't you see a lot cards around there? What the hell do you think they were doing in there?

Q. Who said that? A. The Hartford policeman, and I said, "Maybe they belonged to the people around there in the parking lot", and he says, "You know there was a game going on in there and you went in there to try to hold it up", and I says, "No, sir". At that time, I think Danny Lisco stepped out in the hall with the Hartford policeman, and I was being questioned by Sergeant Paige. He had a list in his hand of jobs being held up or somebody hurt or some other crap he had. He was asking me about it, and Sergeant Paige says to me, "Where did you get them canned goods?" and at first I told him I bought them from some guy on Front Street, and he says, "You stole them from the warehouse where you worked, isn't that so", and I says, "Well, we will put it that way", and he says, "You should just as well take a lesser rap than a bigger one," and I said, "I don't know what you mean by a bigger one" and he says, "By the time we get done you will know what we are talking about". So I says, "All right". So I was escorted down the hallway by Sergeant Paige and this Hartford policeman and was being questioned about the bee's nest and the bookie joint, and the Hartford policeman says, "He knows that district around there - he knows the place", and Sergeant Paige says, "I know it wasn't you, but that other guy who was with you that fingered the place, isn't that so?" and I says, "I wasn't there". I says,

"He wasn't there either". Then the Hartford policeman says, "Well, Sergeant, we can't lock this guy up on what you got, and Sergeant Paige replied, "That's not enough?" or something like that. Then Sergeant Paige said, "I am about fed up with this guy", and he walked out in the little hall and came back and the Hartford policeman was questioning the people out there. There was people from the other departments in that room. And then Paige remained out in the hallway talking to somebody out there - I don't know who. This Hartford detective, whoever he was, remained in the room talking to me, and he says, "There is no hope talking to you" - he says to me.

Q. Who says to me - Paige? A. No, the Hartford policeman, and then Paige came back in the room, and he says,"You insulted the sergeant's morale and intelligence".

MR. McDONOUGH: I wish that hammering would stop. All right, Sheriff. Will you read the last question and answer, Mr. MacGlashan.

(The reporter read the last part of the answer)

A. And I says, "I did not". "Well," he says, "he is a pretty good sergeant for my business".

Q. Who said that? A. The Hartford policeman, but he ain't even a State cop. After that there, we were - Sergeant Paige says, "I think I tried to treat you pretty decent and go along with you pretty decent, and now you got to insult the morale and intelligence—"and this and that, and then everything remained quiet, and in that room where I was there was a short wave radio set, and there was a hot wire coming in on some kind of a crash - the hot wire was being flashed over the air.

Q. What do you mean by a hot wire? A. There was something about an accident out in Wethersfield - somebody had an accident and a fellow saw a forty-five nickel plated

automatic on the seat of the car, and they had some sort of an argument or statement on the car.

Q. Let us get on with the question about you. We don't want to have a lot of talk about the hot wires on the radio.

MR. BILL: I object to this line of questioning I think he should confine it to what their claim is.

THE COURT: Irrespective of whether he should or not, I will strike out the last answer. Go ahead.

MR. BILL: Thank you.

MR. McDONOUGH: I don't think the State's Attorney should say what I should confine myself to, but I agree that the last answer about the radio ought to go out.

THE COURT: That is why I struck it out.

Q. Go ahead without what went on between the sergeant and the Hartford policeman about the radio and hot wire.

A. Things remained pretty quiet in the room. There was a little door coming into that room and I heard a woman in the other room crying terrible.

Q. What other room? A. That was the room next door to that one.

Q. Where you were? A. Yes, sir. I heard a woman crying terribly as if she wanted to go home to her two kids.

Q. What night was this? A. Sunday night, and I recognized the voice of my wife as she was being threatened by Lieutenant Rome.

MR. BILL: I object to that.

THE COURT: That she was being threatened may go out.

Q. You heard your wife's voice? A. That's right.

Q. Did you hear Lieutenant Rome's voice?

A. I heard Lieutenant Rome's voice, shortly after. In fact, I have seen him at that desk through the crack in the door. He is talking.

Q. You saw Lieutenant Rome and heard his voice?

A. Yes.

Q. Did you hear him say anything? A. I heard Lieutenant Rome asking her about her personal life, and she says to him, "I don't know why you should talk about my personal life; I haven't committed a crime", and he said something more to her, and she said, "I am no angel, if that is what you mean". And at that time it seems to me she was pretty well upset. She said, "If I had a baseball bat I would give it to the whole goddamn bunch of you".

Q. Did you say anything to Sergeant Paige while this was going on? A. Sergeant Paige I don't think— I think he was out in the hall - he stepped out.

Q. Who was in the room with you? A. Just the Hartford policeman.

Q. Listening to this conversation that you told us about, was anything said by either you or the Hartford policeman after hearing what you testified? A. No, he seemed to be - I don't know. He didn't say no more to me - the Hartford policeman, that is.

Q. What else did you - A. Then I heard my wife's voice again, telling the Lieutenant, she said "Let's bet on the ball right here. I want to go home with the two kids. They're being left all alone and its getting late," and I heard another policeman, I don't know his name, but I know him if I seen him, he says "You don't mean that.

Dottie, about the baseball bat," She says "I certainly do", and -

Q. Then what else did she say, if anything?

A. She says "I want to go home". He says "Don't worry, Dot, we will take you home." She says "Just take me out of this door and I'll be all right. I'll walk home."

THE COURT: Go ahead, Mr. McDonough.

Q. Then what happened after that? A. Then after that I was taken down to the cellblock to be booked again.

Q. How did you feel? A. Well, I felt pretty upset that night.

Q. Why were you upset? A. Well, he's got to bring in my wife and threaten her with something she don't know nothing about.

MR. BILL: Objection, Your Honor.

MR. McDONOUGH: I claim it, Your Honor. It is part of our defense.

THE COURT: I will overrule the objection. Allow it to stand.

Q. Then you went back down to your cell?

A. Yes, sir.

Q. Have you any idea about what time of night it was when you were returned to your cell?

A. No, I don't. It was kind of late, and it seemed shortly after I think Joseph Taborsky had come in and told me that he was at the Washington Diner having supper.

Q. You talked to Taborsky? A. Yes, I did, that night in the cell. I am in one end, he is at the other. End, that was.

Q. What happened the next morning, Monday?

A. The next morning, Monday, remained Lieuten-

ant Rome and several of the state policemen. One of them was O'Brien. I remember him. And Lieutenant Rome says "You fellows are going to be brought to court this morning. If you have a chance - if you want a chance to get in touch with your counsel or your lawyer you will have a chance to do so up there." But we wasn't brought into court.

Q. Where were you brought? A. We were brought into the New Britain Detective Bureau where they had a whole bunch of people on each side of the street.

Q. Now, in the Detective Bureau building or police headquarters, where were you brought? A. I was brought into the Detective Bureau. It is a building by itself. With half a dozen desks around on both sides.

Q. And were there people around there?

A. There wasn't any - I mean there wasn't any in the Detective Bureau. The only ones I remember I seen there was a state policeman and some of the policemen I assume from there.

Q. Was there a policeman outside? Were you brought through a crowd? A. We was brought through a crowd.

Q. How big a crowd? A. Well, there must have been a thousand people or so.

Q. You went into the Detective Bureau. What happened in there? A. Well, Lieutenant Rome and another state policeman, I don't recall his name, they went in a room to hatch up something for the next day.

MR. BILL: I move that be stricken, Your Honor.

THE COURT: It may go out.

MR. McDONOUGH: The last part I'll agree upon going out.

Q. Lieutenant Rome and a state policeman went into another room? A. That's right.

Q. And you remained in the room that you had entered? A. I remained in that room, sitting at one desk and Joseph Taborsky sitting at another desk.

Q. What happened? A. They had different photographers there, fellows taking pictures, so one fellow looks at me to try and get my attention and snap my picture in different poses, you know. The first one started at this end, the next one at another end, was flash cameras, all flashing in all directions at us.

Q. Did you agree to that procedure? A. I did not.

Q. Did you object to it? A. Well, I didn't object to it because I didn't know if there was such a thing as, you know, I mean that the press had to - or they put them up to it, I don't know.

Q. You didn't have a lawyer at that time? A. I didn't have a lawyer and I could not get in touch with a lawyer then.

Q. Had you asked for a lawyer? A. I have.

Q. On more than one occasion? A. Two or three.

Q. And you mentioned the lawyer? A. I did.

MR. BILL: Objection, Your Honor.

THE COURT: It is leading, but he did testify to it. It is repetitious.

Q. You were there in the Detective Bureau having pictures snapped by flashlight photography? A. That is right.

Q. How long did you stay there? A. Oh, it must have been a couple hours or so if it was that long.

Q. What else happened besides flashing flashlight bulbs? A. They had a detective sitting across. I didn't know that he was a detective until later. He was staring at me.

Q. He what? A. He was staring at me from a desk, kept looking at me, you know, kind of funny. I didn't know who he was at the time.

THE COURT: Go ahead, Mr. McDonough.

Q. Then where were you taken? A. From there I was taken to the New Britain Police Station, which is a short block away.

Q. What time were you taken to the New Britain Police Station? A. I couldn't recall about th time, but I know it was before dinner time.

Q. What time did you get to the Detective Bureau next to the police station? A. It was in the morning. I couldn't tell you definite the time it was. It was in the morning. Maybe about nine o'clock.

Q. Was it early? A. It was early when we left the barracks.

Q. Later were you taken to the courtroom that morning? A. We wasn't.

Q. You were brought into the building where the courtroom is located, though? A. Yes, sir, we was.

Q. That's in police headquarters? A. Upstairs from there, I believe.

Q. A short distance from the Detective Bureau? A. That's right.

Q. About how many feet? Fifty feet, a hundred feet? A. It might be about fifty feet. I don't think that it is much further.

Q. Were you presented in the New Britain police court that morning A. No, we wasn't.

Q. What happened in the police station? A. They asked me my name and address, where I was born, my parent's name, and so on.

Q. Where did that happen? A. This happened downstairs in the police station.

Q. At the desk? A. At the desk, by one of the officers.

Q. You were booked? A. I was booked.

Q. Then where were you taken? A. From there I was taken in the back to be picture taken.

Q. And fingerprinted? A. And fingerprinted.

Q. And then what happened after that? A. Then I was taken back to the cruiser, into the crowd of people where they remained and back into Hartford where one of the New Britain policemen and a detective remained in the cruiser with me in the back seat.

Q. Lieutenant Rome had said to you "You fellows will have a chance to get counsel this morning." When you were in the New Britain Police station, the building where the Court is located, did you have a chance to get counsel? A. I didn't have a chance to get in touch with a counsel like we was promised.

Q. You were put in the cruiser? A. That's right.

Q. There was a New Britain detective in the cruiser? A. That's right.

Q. Was that a state police cruiser? A. A state police cruiser.

Q. Where did you go? A. Well, there's another part in there also. Joseph Taborsky in my presence was

told the same thing I was, that he could get in touch with his lawyer. He named Bergman at that time, and he couldn't get in touch with a lawyer any more than I could.

MR. BILL: Objection, I move that it be stricken, Your Honor.

MR. McDONOUGH: I claim it.

MR. BILL: He is drawing a conclusion as to what he could do.

THE COURT: As far as Taborsky is concerned I'll strike it out. Go ahead.

Q. Go ahead. A. At the time there we drove to New Britain over where the Teachers' College is and there is a gas station what they call Kurp's gas station, I didn't know the name of the place, and Lieutenant Rome drove in there - I don't know if he was in the car with me, or he was in the car in front of me, but one of the officers in the car says "Do you recognize this place?" And I says "I don't". And then he drove out and drove into Hartford. Then I was being questioned about the bandannas that was found and the masses and that sort of thing.

Q. What? A. I was being questioned about the masses what was found in my possession, and also the bandannas was found in my possession by this New Britain policeman.

Q. Did the New Britain policeman ride into Hartford with you? A. Rode into Hartford in the state police cruiser.

Q. When you got to Hartford where did you go? The barracks? A. I went to State Police barracks, into the diningroom, I believe.

Q. What happened after you left the diningroom? A. We went into the hallway and I think the New

Britain policeman asked the Lieutenant if he could talk to me for a while.

Q. Go ahead. A. And he remained, questioned me, such as "Have you ever been in New Britain before?" And I says "Sometime ago when I was in prison I was a trustee, and I used to go there to deliver goods, and that's the only time that I remember." He says "I see everybody goes in and out here and I should know you if I see you." I said "You don't know me." He was trying to say that he did, and all that sort of thing.

Q. What? A. He tried to say that he recognized me as being in that city, and all that sort of stuff.

Q. Go ahead. A. And then I think I remained down to the cellblock.

Q. How long could you stay in the cellblock?
A. Oh, about an hour, hour and a half to two.

Q. This was Monday afternoon? A. Monday afternoon, yes, sir.

Q. What time did you leave the cellblock, a couple of hours after you went down? A. I couldn't place the time because Lieutenant Rome took my watch away to see if I stole it or not.

Q. Did you go upstairs later? A. I did.

Q. In the afternoon? A. It was in the afternoon.

Q. Tell us about who brought you up and what room you went into? A. Well, I was brought upstairs by Sergeant Paige at the special service at State Police Headquarters. That is the room that they call the special service there, and they had another policeman come in the room later, I didn't know his name, but he seemed to be reading a newspaper, and Lieutenant Rome was in one end of the room with me at the desk and Sergeant Paige remained

at the other end of the room at a desk and the policeman remained in the other corner reading a newspaper. And I was asked by Lieutenant Sam Rome if I read this morning's paper, and I says "I don't have no paper boy." And he says "What do you mean?" And I says "I can't read, anyway." Then he showed me some pictures, what was on the paper of stuff which was taken from my house, such as eight revolvers, and I think two masses, a blackjack, and he says "The New York police is coming down here to see you." I says "For what?" He said "Similar to these masses was used in a crime in New York City, and one of these guns." I says "I don't believe it because the masses were in my possession and they haven't got to New York City."

Then he questioned me about - he said that they had some perfect slugs taken of a gun, and he says the New York police is coming down to see me for first degree murder. I says "I don't know why they charge me with first degree murder. I don't let anybody take the guns and they haven't been used in New York and they are in my presence as a collection" and something or another. And he says to me, he says "Did you ever let Taborsky take a gun?" And I says "No, sir." "Well," he says "We know he lives in New York City." I says "I know he lives there but I did not let him take a gun." And I says "Furthermore, he didn't know that I had such a collection." And a discussion happened and I was called a fucking liar and a son-of-a-bitch and everything else.

Q. He called you that? A. Yes, sir.

Q. Go ahead. A. And he says "Why don't you tell the truth?" And I says "What the hell good does it do? You won't believe me, anyhow." He says "I ought to take one of these clubs and beat you over the fucking head with it.

Q. Did anything happen? A. He did not have a club there, you know what was on the table. It wasn't on the desk or anything like that, and I was being questioned more, and he says "We found" - I think he says "We found some canned goods into your house and while you was locked up here." He says "You know" he says "We can charge your wife with conspiracy if you don't tell us the truth about this and we are going to lock your wife up if you don't," all that sort of crap he told me.

So we were being questioned more and being called more fucking liars and everything else. He pulled up his chair close, he kicked me in the ankles, he took his two feet and drive them into my right ribs, and at that time I says, "Look, Lieutenant, when I go to court this is going to be brought out." And he says to me, he says "You can do anything you want. The judge won't believe you", or some bullshit or another, and at the time I started to cry, I remember, and then Sergeant Paige

Q. You what? A. I started to cry at the time because I was hurt. I also asked at the time, I remember correctly I asked for an attorney and he says "You ain't going to get one until the right time." And Sergeant Paige has got up from his chair and he says "He ain't going to tell you nothing. Why don't you lock the bastard up?" And I was brought downstairs again, brought downstairs, again, locked up.

Q. Was there any conversation or reference to taking a rap? A. Well, there was such a conversation as I remember then. Lieutenant Rome says to me - that was Monday - he says, "You ain't the one we want for this." In other words I ain't the one they want. They want the boss. They don't want me. And he says "You know, the first one gets a statement over to the State's Attorney's Office is the one he gives consideration to." So I said something to him but I don't just remember the words, what they was.

THE COURT: Go ahead, Mr. McDonough.

MR. McDONOUGH: All right, Your Honor.

Q. How about - was there any conversation between you and Lieutenant Rome about the crowd of people that were in front of the New Britain police headquarters? A. There was a conversation.

Q. When was that? A. Monday or Tuesday. I believe that was Tuesday. I believe that was Tuesday. I was brought up and questioned more about the guns, murders, canned goods, conspiracy, and he says to me, he says, "You know when" - that was Tuesday. Of course, we -

Q. We will stay away from Tuesday. Stick to Monday. Was there any reference by Sergeant Paige during that conversation of Monday to your wife? A. Sergeant Paige is the one that said to Lieutenant Rome, he says "Why don't you get his wife and lock her up and he will tell you the truth," and a few mixed words was in there.

Q. What do you mean, mixed words? A. A lot of swearing and everything else. And Lieutenant Rome says "First I want to see how much he cooperates with us first, before I lock her up."

Q. Were you brought downstairs? A. Well, I was brought downstairs, and a few other words, I can't tell you just what they was.

Q. Was there any reference in the conversation what kind of a father you were? A. Well, that occurred on a Tuesday night.

Q. We will stay away from Tuesday. Did you answer Lieutenant Rome at all times that he asked you about matters, or did you refuse at times to answer him?

A. I refused at times and he said "You had better answer when I talk to you."

Q. He said that to you? A. Yes, sir. I told him that I don't want to be bothered, I wanted to be brought downstairs and left alone.

Q. Then what did Lieutenant Rome say in answer to that. A. He says, the answer "When I tell you -"

Q. What? A. That I can't think right now. "When I ask you a question you had better answer me." I said to him "You called me a fucking liar", and I says "If you are going to call me that I don't even want to bother talking to you. I want to be brought downstairs and left alone.

Q. Then what happened or what was said? A. That I just can't remember right now.

Q. Did they continue to question you then? A. Yes, they did.

Q. Was there anything about protection of the law being given to you? A. He says, "Its a good thing the law protects bastards like you or I would work you over properly", or some shit like that.

Q. Did you go back downstairs? A. I went back downstairs.

Q. To your cell? A. To my cell.

Q. And what time were you brought down to your cell? A. It was at night.

Q. Whether or not your wife was in headquarters on Monday night - state police headquarters? A. Well, she was at State Police Headquarters Monday. She was brought into the barracks. I don't know who brought her. Far as I can remember it was Officer Moran and Policewoman Murtha.

Q. Did you see her? A. I had saw her when I was being questioned in the room, and they was across the room from me.

Q. What time were you brought downstairs and locked up Monday? A. That I can't recall the time.

Q. Was it at night or in the afternoon? A. I was questioned in the afternoon. Then I was questioned again at night. So I am kind of confused about that.

Q. Monday night you were finally brought down and locked up? A. For the night, that's right.

Q. What happened Tuesday morning? A. Tuesday morning we were brought up, and Lieutenant Rome and this other officer says, "You are going to be brought to Court this morning. You have a chance to get your counsel."

Q. How many times was that that you had been told that you would have a chance to get counsel?

A. Well, that was twice. That was Monday and Tuesday.

Q. Go ahead. He made that statement, didn't he, and then what happened after that? A. Then we came out of the cellblock, he says "You fellows will have a chance to get in touch with your counsel this morning, you are going to court." So we were brought into New Britain, where there was a mob of people, not as much as there was Monday, but a mob. A mob of people.

Q. Where was this mob? A. This mob was on both sides of the police station, from one side to the other of the whole street, from one end to the other.

Q. Go ahead. A. And we were brought in there and booked on breach of peace charges.

Q. Booked again? A. Yes, sir.

Q. Go ahead. A. And we was brought upstairs and we was put in a cage like two animals, you know, and a lot of people gathered around the cage.

Q. In the courtroom? A. In the courtroom. And I think in front of the cage is two or three state policemen.

MR. BILL: I move that matter about animals be stricken, Your Honor.

MR. McDONOUGH: I claim it.

THE COURT: "Like animals" may go out.

MR. McDONOUGH: I claim that, too, Your Honor.

THE COURT: What?

MR. McDONOUGH: "Like animals". That is our claim, that they were treated like animals.

THE COURT: You may claim it, but I struck it out.

MR. McDONOUGH: May I have an exception?

THE COURT: Certainly.

Q. Go ahead now. A. They had another fellow in the cage there - it seemed to me it was a young fellow - I don't know what he was in for. He was in the cage and Joe and I was in the cage. People were trying to get around in there with TV cameras and taking pictures of us.

Q. In the courtroom? A. In the courtroom, and I think shortly after Joseph Taborsky - after he went into the picture room - the prosecutor's room - I guess it is the room there to see his mother. They had them guys ducking down with cameras taking pictures of his mother walking in and out.

Q. In the courtroom? A. In the courtroom.

Q. How many people were in the courtroom?

A. They had a mob - I couldn't tell you exactly how many.

Q. As far as the Judge's bench is concerned, where was the pen you were located in? A. Well, the cage was over here (indicating) and the judge's bench is over there.

Q. In other words, the cage was in front of the Judge's bench? A. No, no, it isn't in front of the cage - the cage is here and the bench is across the room.

Q. On an angle? A. I wouldn't say on an angle. It might be an angle. I didn't see the bench.

Q. Did you see the bench while court was in session?
A. No, sir.

Q. Could you see the Judge? . A. No, sir.

Q. Could you see the prosecuting attorney? A. No, sir.

Q. Could you see anyone connected with the court during those proceedings? A. Well, not at the time.

Q. Well, during the proceedings - during the court session, could you see any Judge or prosecutor? A. No, sir.

Q. Why? A. Because they had a mob of people in front of the cage and everybody was stirring toward the cage and everything blocking the view going on over there.

Q. Did anyone ask you whether you were guilty or not guilty? A. No, sir.

Q. Did anyone tell you - tell the Judge you wanted a lawyer? A. No.

Q. Did anyone allow you to make a statement?
A. No, sir.

MR. BILL: Objection.

THE COURT: I will strike the answer and I will sustain the objection.

Q. Did you make a statement in court? A. If I made a statement in court? I didn't even have a chance.

Q. Did anyone ask you if you were guilty or not guilty? A. No, sir.

Q. Did you hear any words said by any of the court officials, the Judge or the Prosecutor or the Clerk?
A. No, sir.

Q. Did you hear anyone speak during this court proceeding? A. The only word I heard, but I don't recall who said it, was something like the accused of Culombe and the accused of Taborsky are being charged with breach of the peace, and some future date was set, but that is all I heard.

Q. Did anyone ask you if you wanted a trial that morning? A. No, sir.

Q. Did anyone ask you if you wished to be heard on that date they were asking for? A. No, sir.

Q. Did anyone ask you if you had counsel?
A. No, sir.

Q. Were you given a chance to speak? A. No, sir.

Q. Were you denied the chance to speak? A. Yes, sir.

MR. BILL: Objection and move that the answer be stricken.

THE COURT: Yes, you don't claim that - were you denied a chance to speak?

MR. McDONOUGH: No, I have to agree with the State's Attorney.

THE COURT: I will sustain the objection and the answer may go out.

Q. But you were not asked by anyone? A. I was asked by no one.

Q. Were you represented by an attorney? A. No, sir.

Q. You had asked for an attorney before that?

MR. BILL: Objection.

THE COURT: It is repetitious.

MR. McDONOUGH: Your Honor understands, but of course, I am building a record here too.

THE COURT: I understand that, but as I said to to you this morning, it becomes clear to me after it appears several times.

Q. Then how long were you in the courtroom in New Britain? A. Well, roughly I was in the courtroom - I was in the room -I don't know whether it was the Judge or the prosecutor or who it was - but they were in the room quite some time before I heard about such a thing as breach of the peace, and shortly after we were hushed out, and I couldn't tell you at the time.

Q. You were what? A. Hushed out.

Q. Hushed out? A. Yes, by a crowd of people there - just hushed out among the crowd.

Q. How did you feel? A. I felt goddamn lousy.

Q. Were you afraid? A. Yes, sir.

Q. What were you afraid of? A. The whole mob stirring me all over - I didn't know what the hell was going to happen.

Q. Then where did you go?

MR. BILL: Your Honor, I think this man knows the difference between the words he is using. If he is repeating some words that were said, I think that is perfectly proper, but you can't tell me he knows the difference between the words he is using or doesn't know them and the way they should be expressed. I don't think it is proper.

THE COURT: Continue, Mr. McDonough.

Q. Where did you go after you left the courtroom? A. I was taken out and we went down to a gas station - what they call Kurp's gas station, and from there we remained on the road the long way going to Hartford - down on the Silas Deane Highway to Hartford.

Q. The Silas Deane Highway - that is the road to to Middletown? A. Yes, that is going into Hartford - that Pike - is that what they call the Pike?

Q. I can't tell you. A. Well, we remained on that road going into Hartford and then come over by the park over there - the Bushnell Park and there we remained until the barracks.

Q. What happened when you got to the barracks? A. Well, we were brought up in the dining room and given dinner - what they had - and from there I think we went downstairs.

Q. Were you downstairs long? A. Well, I would say maybe a couple of hours.

Q. This was Tuesday afternoon. Then what happened? A Then I was brought upstairs again.

Q. Who brought you up? A. Sergeant Paige.

Q. Where were you brought to? A. One of the rooms in the State Police Barracks.

Q. Who was in the room when you were brought in?
A. I believe it was just Sergeant Paige and I.

Q. What happened? A. No, that wasn't that room. That was a Special Service room - Special Service that is where that was - in another interrogation room.

Q. Who was there when you were brought in?
A. Lieutenant Rome, Sergeant Paige and another Officer - they switched around - I didn't know the other one.

Q. Anyone else in there? A. Just the two.

Q. How long were you in that room? A. Must have been a couple of hours.

Q. Were you questioned? A. Yes, sir, I was.

Q. Who were you questioned by? A. Lieutenant Rome.

Q. This is Tuesday afternoon? A. Tuesday afternoon.

Q. Up to that time had you signed any papers for the Police? A. No, sir.

Q. Had you given them any statements?
A. No, sir.

Q. Was it your desire to answer questions?
A. No, sir.

Q. Did you tell them you didn't want to answer questions? A. Yes, sir.

Q. Did you want to sign any statements or papers?
A. No, sir.

Q. Had you told them that? A. Well, I didn't tell them in them words maybe - I was pretty well upset.

and I didn't want to tell them in those words - I can't remember that.

Q. You were questioned a couple of hours - who questioned you? A Lieutenant Rome.

Q. Tell us about the questioning on Tuesday afternoon as far as you recall. A. I think there was questioning about different holdups out through the State, and was asked about them. I denied knowing anything about them. I think there was more questions asked about guns, bandannas and masks. There was more threats made about the canned goods.

Q. Who made the threats? A. Lieutenant Sam Rome over there (indicating).

Q. What were the threats? A. "We found some canned goods in your house, and if you don't come clean and tell us all about it, we are going to lock your wife up and charge you with conspiracy. What the hell kind of a father are you?" And all that sort of stuff.

Q. Did you reply? A. After he was telling me, "What the hell kind of a father are you, getting your family involved in all this stuff" - there was more questions - how long did I know Taborsky; when did I see him last and all that sort of stuff.

Q. Was there any talk about recording machines? A. Well, they had talks about recording machines - they had recorded a talk about lynching - being pushed on the mob.

Q. Who did that talking? A. Lieutenant Sam Rome.

Q. What did Lieutenant Sam Rome say about recording machines? A. At that time that wasn't brought up. That was at night.

Q. About being pushed into the crowd - when did that take place? A. That took place after I entered the room and they had a policewoman there, Miss Murtha, and my wife was sitting there and the two kids were remaining across the hallway from the interrogation room, and as I walked in my wife says, "You better start telling them the truth; they know everything", and it seems the policewoman is repeating everything the wife says.

Q. You mean your wife would say something and Miss Murtha would repeat it? A. Yes, right in back of her. I didn't know she was a policewoman. I says at the time I didn't know what this was all about, and the wife says, "You had better tell the truth; they have been watching the house for sometime", and then Lieutenant Rome repeated it and said, "Yes, we have been watching your home and we know everytime Taborsky came over there and when he was carrying a bag we figured it was just an ordinary liquor party" - the way he put it. Then he says to me, "You know those people - they must be hollering lynching." He said, "You could be pushed out - we could have pushed you into the crowd. They want to come in here now." And he says, "You know we have got a recording machine that was planted in your house and know every conversation you and Taborsky was talking about." Also in another conversation he was talking about how he failed to get my car and how those dumb cops lost the trial in my car. He says, "I am going to get a bench warrant and charge you with first degree murder." My wife had went down and started to cry and she says, "I don't believe my husband is guilty of this because he don't have that type of courage if I know him - it is just a trick." She said something at that time - there were a few other words said - and Lieutenant Rome he says to me - I don't know if it was in the presence of my wife or not - he says, "What the hell kind of a father are you? You have

got everything on the table - why don't you get on the bandwagon and start talking?" He says, "Do you want me to get the kids in here and tell how you and Joe Taborsky were talking about this thing in the bedroom, sometimes with the door open and sometimes with it shut? I says, "Yes," so we went over the hall and he said to the little girls, "Honey, come in here and—" - a little girl - my kid is only thirteen years old, "You tell me how they went into the bedroom and talked - Joe Taborsky and your father." He says, "How much proof do you want? Do you want me to get your other kid down here? - my baby five years old. He says to me - this is before that - he says, "You know what we told you about that stuff." He was beefing about the canned goods, but he didn't say the canned goods. I believe he had the record machine planted in there - he didn't mention the canned goods, and the wife was sent out with the policewoman, and he said, "You had better tell the whole fucking truth about this. What the hell kind of a father are you." And he accused me of quite a few things. Then all of a sudden he kicked me in the ankle and grabbed me by the throat and knocked me to the floor. Shortly after I was sent downstairs and I was pretty upset and Sergeant Paige had come down to my cell.

Q. Were you crying? A. Yes, I was and I told Sergeant Paige I want to be left alone and I am pretty well upse and I want to be taken to the County Jail.

Q. Were you taken to the jail? A. I was taken to the jail that night but I was not left alone.

Q. Tell us what happened at the jail? A. Well, at the jail I told the Officer - in fact, it was one of the officers who booked me.

Q. Who did you talk to there? A. The Officer's name?

Q. Yes. A. Officer Steve - I think his name is. Steve Mallie? A. I believe that is his name.

Q. And was there another Officer there? A. Yes, a big heavy set fellow - Sewalski - he was there part of the time.

Q. Did you talk to both of those men that night? A. Yes.

Q. Whether or not they booked you? A. It could be. I went downstairs to the hospital, you know - whatever room that is - and they took my wallet and keys and my pants and coat and all I had and I said to him, "The State cops have worked me over," and he says, "Are you that bad you want to see the doctor right now? I can get in touch with one." I says, "No, I will wait until the morning because I don't think I am hurt that bad."

Q. Before that - did you get anything during the night? A. During the night when I was taken to this cell he gave me four aspirins to dope me up a little bit so I could sleep for the night as I was pretty well upset.

Q. What caused you to be upset? A. Well, the condition I went through at the State Police barracks put on me a terrific amount of pressure.

Q. What about all this conversation with your wife in your presence - did that have an effect on you? A. Well, I was pretty upset like I was before I went down to the cell block and before I went to the County Jail. It was a pretty goddamn lowdown trick to bring your family in and tell you that and tell you this.

Q. Did you say that to him? A. Yes, I did.

Q. To who? A. Lieutenant Sam Rome. That is when he grabbed me by the throat and knocked me to the floor.

Q. Did you tell Sergeant Paige about the treatment you received? A. Yes, I did.

Q. What did you tell him? A. He came downstairs and I was lying on the bed and he says, "I want to talk to you," at that time I says, "Well, I want to be left alone, Sergeant. You treated me pretty well and I want to be left alone."

Q. What did he say? A. I said, "You treat me pretty well at times and I want to be left alone," and I says, "Will you do me a favor and get the hell out of my cell?" I was pretty well upset then. I was telling him about being questioned by the Lieutenant and that he brought my family and was telling me this and telling me that and that he grabbed me by the throat and I just wanted to be left alone and brought to the County Jail. He stayed around the cell maybe twenty or twenty-five minutes and then he left and shut the door and went about his business.

Q. Sergeant Paige testified he treated you as a father or at least that you told him he treated you as a father. Would you tell us about that? A. Well, he was questioning me about different crimes and different things and he talked with me and, what I mean is - he wasn't using any pressure on me, I mean. He might have lost his head a little bit and done some swearing but he didn't use no violence on me or anything like that, but it seemed to me like he figured if he was more intelligent or something or other - he was more smoother than the Lieutenant - he went about it in a different message than Lieutenant Rome did.

Q. How did the Lieutenant go about it? A. He went at it pretty smooth at first and then he started getting rougher and rougher.

Q. As you testified? A. Yes.

Q. Your last testimony about the jail was that you were given four aspirins during the night to quiet your nerves? A. Yes.

Q. Go on from there? A. About the Sergeant treating me like a father - I have said that to him but that wasn't until he got out of the cell and left me alone.

Q. On Tuesday night? A. Yes.

Q. You approved of his getting out? A. Yes and he did just that.

Q Go ahead. You wanted to go back to the County Jail? A. I wanted to go to the County Jail, and after I went to the County Jail two guards came to my cell that morning and they says he wanted to talk to me and I says, "Who?" and he said, "The State Police," and I says, "I told them I wanted to be left alone. I don't know what the hell they are trying to do." They told me he wanted to talk to me at the door going out from the jail. The door opened and they pushed me out the door and I see three or four of them there and I didn't have no choice of saying whether I wanted to go.

Q. You were in the jail Tuesday night as you testified? A. Yes.

Q. Do you know if you were in there under a mittimus from the New Britain Police Court? A. I don't know about that.

Q. Well, you were in court that morning? A. I was in court that morning, yes, sir.

Q. Did you hear Sergeant Paige and Lieutenant Rome testify there was a mittimus committing you to the County Jail? A. Yes, sir.

Q A mittimus was issued on Tuesday and you were locked up in jail Tuesday night? A. That's right.

Q. And you said that you wanted to go to jail?
A. That's right.

Q. And on Wednesday morning you say a guard came and said a couple of state policemen wanted to talk to you? A. That's right.

Q. What did you reply? A. I asked them what the hell they wanted to talk to me about.. I asked to be left alone, I did, the night before.

Q. Then what happened? A. They opened the door and they pushed me out in the hall, like.

Q. Pushed you out in the hall of the jail? A. Yes, sir.

Q. From behind the bars? A. Yes, sir.

Q. What happened? A. There was three or four policemen there, and I recall that Sergeant Paige was there. I didn't say nothing to them, "Why are you taking me back to the barracks for", because I didn't have much choice.

Q. You were being kidnapped from the jail, weren't you? A. Yes.

MR. BILL: May I have that?

THE COURT: Read it, Mr. Burke.

(Last question and answer read by reporter)

MR. BILL: I object to that.

MR. McDONOUGH: If he knows it.

THE COURT: I will sustain the objection. The answer may go out.

Q. You were taken from the jail? A. That's right.

Q. Were you taken by force and against your will?

A. Well, it was against my will.

Q. Did they lay hands on you when they took you from the jail? A. They did not lay a hand on me as far as I can speak of. I recall that they said "Put on this coat."

Q. Did they put handcuffs on you? A. No, sir, they didn't.

Q. What did they do with you? A. Put me in the cruiser.

Q. Where was the cruiser? A. Out in the yard there by the front stairs.

Q. Up to that time you hadn't signed any statements? A. No, sir.

Q. And you didn't want to sign any? A. No, sir.

MR. BILL: Objection, Your Honor.

THE COURT: It is pretty leading, Mr. McDonough.

MR. McDONOUGH: All right, I will withdraw it.

Q. You had told them what you already told His Honor about talking? A. Yes, sir.

Q. Then where were you brought? A. Brought to the police State Barracks.

Q. Wednesday morning? A. Wednesday morning.

Q. And how did you feel? A. I felt pretty upset about the whole Goddam thing.

Q. Were you - upset. What do you mean by that? Were you nervous?

MR. BILL: Objection, Your Honor.

MR. McDONOUGH: It is leading. I will withdraw it.

Q. Just tell me about your feelings. Upset?

A. Well, I was pretty nervous and upset, what was going on, and the depression was put on my wife, my wife being dragged to the Police Department.

THE COURT: Of course, it isn't responsive.

Q. Were you sick? A. Well, I was sick, yes.

Q. In what way? A. My nerves was jumping like a base fiddle.

Q. You were brought to headquarters, what happened when you got to headquarters? A. I was put in a cell downstairs, locked up and later on I was brought upstairs.

Q. Then what happened upstairs? What room, and who was there? A. Well, at the time I was brought up there was Sergeant Paige and Officer Murphy.

Q. Go ahead. A. And Officer Murphy and Sergeant Paige was in the room. We just - so Sergeant Paige - I don't know just how one part went there, but there was something - he had a paper in his hand and he says to me "Art" he says "I want you to stop lying to me," something or another, and then he says to Officer Murphy, he says "Art, I have decided to play a little game." That's what he called it. And so anyhow, we sat at the table, Murphy on one side, me on the other and Sergeant Paige up the other end, and he says something about "Was you there? We will go over this list." And he had a pencil in his hand, and he says "Was you there"? and I'd say "No" what the question he was asking, what he was asking me. I says "No", and he says "Well, you don't want to talk about it, do you?" And I says "No".

In other words, I was practically repeating what he was telling me. And I says to him, I says "What kind - what is this?" And he explained it to me. He says it's a list

about crimes in Connecticut, package stores, hold-ups, murders." He says, "I know you want to tell the truth but somehow or another you don't - something seems to hold you back," or something or another he is telling me, and he says "By this list", he says, "that will help you out." So "Was you there", or "You don't want to talk about it." So that's what we was saying.

Q. Playing a game? A. We was playing a game.

Q. Why do you use that word "a game"? Was that word "game" used? A. That "game" was used by Sergeant Paige. That's what he called a game. In other words he didn't want me to lie to him any more and he figured after we played such a game as he called we won't be lying to each other. At least, that's the way I figured it was.

Q. Why? Was he lying to you?

A. I wouldn't say that he was lying to me, in a way. I was perhaps lying to him, what he says.

Q. He says that you were lying to him? A. Yes, sir.

Q. He wanted you to change your story? A. Yes.

Q. Did you want to? A. I didn't want to. I don't know, it seemed to me that I just don't give a Goddam whatever what happened.

THE COURT: Don't you think that you could confine yourself and use English and strike out some of that profanity? Go ahead, Mr. McDonough.

Q. You played this game, so-called. Tell us what was said? You didn't want to talk, you said. You didn't want to tell him anything. Go ahead. A. So anyhow, "Was you there, Art?" And I replied "No". And then he referred to another question. He says "Wasn't you there?"

And I says "I don't want to talk about it." And it went on from there for some time.

Q. How long? - A. Well, I can't tell you offhand. Maybe a half hour, maybe an hour. I don't know offhand.

Q. Go ahead. A. And I think it was Officer Murphy says "I want to see how this sounds". So I replied to the Sergeant, I says, 'Have you got a recording machine in here planted somewhere?"

Q. You said that to the Sergeant? A. Yes, sir.

Q. All right. A. The sergeant looked underneath the table. He says "I don't see none here anywhere." So by Officer Murphy says "I'll see how this is going to sound", so right away, I mean, I figured that there was a recording machine in there, as he said it. Right there I says "Well" - and then Sergeant Paige, I think, left the room, or something, and Officer Murphy remained there and he took over the list, asking me questions, and he says "I know that you want to tell me the truth, Art," but, he says something or another "Something is holding you back or you are in fear of somebody. You are in fear of Taborsky, ain't you?" That's just what he says.

Q. Murphy said that? A. Yes, sir. And I think I said "Yes," and he says to me, he says - no, I think I says "I just can't make my mind up and I'd like to get the State Attorney over he." He says "who?" I says "Bill", I says, "before I go any further."

Q. You said "I would like to get the State Attorney over here before I go any further"? A. Go any further, yes, sir.

Q. Go ahead. A. And at that time I think that Sergeant Paige approached the room and he says "Do you want to get the State Attorney over here?" And somehow or another he - he says "You want to get the State Attorney

over here?" And I said "Yes, sir." He says "I'll go across the street and see if I can get him. Will that help you to tell your story?"

Q. What? A. He says "I'll go over and get the State's Attorney across the street" - "If I go over" - that's what that was. "If I go over and get the State Attorney, Bill, over here, will that help you to tell the truth?" And I said "Yes, sir, I'll know what's what here," something or another.

Q. Know what's what or something? A. Yes.

Q. Go ahead. A. At that time he says "All right, I'll see what I can do."

Q. Who said that? A. Sergeant Paige. But instead he went down the other end to talk to his Lieutenant.

Q. Rome? A. Rome. And Lieutenant Rome come in the room maybe ten minutes after and he says to me, he says "I can't get the State Attorney, Bill, on the phone. I can't get him nowheres." And he says "If he does come over here he wants to make sure you are telling the truth. Not until then." Some way or another in that form. And I says to him, I says, "Well" I says, "I'd like to talk to County Detective Reardon, Eddie Reardon, if I can't get Bill over here."

Q. Eddie Reardon? A. Eddie Reardon is what I meant to say. And I think that he says to me "Why do you want to see him", of something, and I says "Well, he's a pretty square shooter to me and he goes for facts. He don't go for no sneaky stuff. And I want him over here."

I don't know just what happened, but there was something more went on there, and another thing, I heard this Eddie Matus was mentioned as a representative of the State Attorney's office.

Q. That's the gentleman who sits at the table? That's the fellow with the red hair there. So I didn't know Eddie Matus, what I mean, by that name, but I seen him in that State Police barracks and I noticed any time when Eddie Matus wanted to talk to me Lieutenant Rome has told his men to keep him away from me, somehow or another. I don't know why.

Q. Keep Mr. Matus away? A. Yes, but I didn't know that his name was Eddie Matus at the time. I thought that he was just a state policeman. I see him over there all the time. So what happened, we started to go to my house.

Q. What about getting the State's Attorney for you? How did that end up? A. Well, I did not get the State Attorney. I believe Lieutenant Rome says "We can't get the State Attorney nowheres on the phone and we don't know where he is, and if we feel you are telling the truth we will get him over here," some discussion or another, "And we can't get him here, but when you come back he will be here", somehow or another in that form.

Q. Go ahead. A. So when I did get back to the barracks I did not see the State Attorney Bill, or I didn't see Reardon, but I seen this fellow they call Eddie Matus at the scene. That's the first time I saw Eddie Matus there. I didn't know then until I was introduced he was Eddie Matus.

Then from there on we went around to my house. There was Sergeant Paige, Lieutenant Rome, Officer Murphy, Officer O'Brien. He had a couple of news - I would say they were fellows from the department, they take pictures. And Lieutenant Rome was asking me where I got one of these guns, where did I put one of these guns.

Q. Did you go to the house? A. I did go to the house.

Q. Is that where you first went after leaving the barracks? A. Yes, sir.

Q. Who was in your house? A. When I arrived there?

Q. Yes. A. There was my wife and my baby Sandy.

Q. That is the youngest? A. Yes, sir.

Q. What happened in the house? A. When we first went in the house I wanted to talk to the wife and I looked over at the couch and I seen my baby. She was awful pale, she was shaking like a leaf, and I said something to her and I did not get no answer from her. I seen she was pretty well upset and she was sick, and I seen the wife was kind of nervous and excited and I heard the wife say to the policemen, she says, "Why do you have to have a mob of policemen with my husband like this?" Of course, she didn't know what the outcome was, the story, because I am telling the story. She didn't know that. So Lieutenant Rome says to me, he says, "Where did you keep this gun"? And I told him "In back of this medicine cabinet", and I showed him how to take the screws out so he can get the evidence what he wanted.

Then from there I talked to the wife and the wife came in the bedroom door and I says to her, I says "What's the matter with the baby? Is she sick?" She didn't seem to answer me at all, and from there I sat in a chair in the parlor where the Lieutenant told me to sit, in the other room, while he got what he was going to get, and I stood at the chair. Sitting there on one side of me was Officer Murphy, and Sergeant Paige, and the wife looked pretty upset, and the baby, and every other thing.

I says to the wife, I says, "The only reason, or one of the reasons I am telling you the whole truth, the only reason I am telling the truth about this is so the policemen don't come to the house and bother you any more and get you embarrassment or suffering with the neighbors," or something or another in that form. We remained there talking a few minutes and she says "They been coming to my house several times and bothering me", and this and that. "Well", I says "You don't need to worry about that no more." I says "Isn't that true, Sergeant?" He says "Yes, Mrs. Culombe, we won't bother you any more."

Q. Who said that? Paige? A. Sergeant Paige. Lieutenant Rome called me to the bedroom -

Q. Did you talk to them about your baby and the baby's condition? A. I did not talk to them, I don't believe, then, about the baby's condition, but I did later on.

Q. Later on, when? A. Well, when we got to the barracks, I believe.

Q. What was the baby's condition? A. Very poor.

Q. What was wrong with her? A. Well, her face was pale white, she was nervous, and it seemed to me like her cheeks was sucked in, you know. I know that she was very sick but I didn't know what was the matter, and she was scared stiff like a rabbit like if you had a rabbit cornered, or something, you know. So the wife come to the barracks and saw me for a few minutes, and the policewoman Murtha.

Q. What about a telephone call? Did you hear a telephone call made on the police radio? A. Yes. Lieutenant Rome had called at my wife's request. That was just before we left the house, my wife says to Lieutenant Rome, she says "Will you please send my daughter home to take care of the baby?" And the Lieutenant dispatched that over to the phone. He says "Have a car pick up the Culombe

daughter and bring her to the house and have Mrs. Culombe picked up and brought to the barracks so I can talk to her."

Q. Then you went back to the barracks later?
A. Later on we did, yes, sir.

Q. What time did you get back to the barracks?
A. Well, it must have been after six o'clock.

Q. Did you have your supper there? A. Yes, the Lieutenant went in the Commissioner's department there and asked him if he could get me some supper, I looked hungry, or something or another.

Q. Did he say that? A. Yes, sir.

Q. Go ahead. A. So we had supper. After supper I think that I went downstairs. Then I was brought upstairs, talked with my wife for a few minutes, -

THE COURT: Let's stop here, Mr. McDonough. Will you escort the accused from the courtroom, please?

(Accused escorted from courtroom)

THE COURT: Short recess, Sheriff.

(Recess 3:25 p.m.)

AFTER RECESS — 3:45 p.m.

THE COURT: Bring in the accused.

(Accused present in the courtroom)

ARTHUR CULOMBE, recalled.

(last question and answer read by the Reporter)

CONTINUED DIRECT EXAMINATION BY MR. McDONOUGH:

Q. For a few minutes. This was Wednesday night?
A. Yes.

Q. In the presence of anyone else? A. In the presence of a policewoman who was with my wife, and I think that is all was there.

Q. What was the conversation about? A. I don't know. I believe I said to her — "I told everything or I am telling everything about this whole thing, so they won't come to the house and bother you any more or the kids, bringing them back and forth", and she is telling me if she felt at ease, and she was telling me the kid is very sick, and I says, "Well, I believe the policewoman, Miss Murtha is there, and I believe if you ask her to bring the kid to the hospital she will do that", and the policewoman told me she was a nurse at one time or another.

Q. How long did that conversation last?
A. Oh, about five or ten minutes.

Q. And did your wife appear relieved? A. Well she looked pretty relieved then.

Q. Did you feel better then that you knew they weren't going to your house any more to bother them?
A. Well, I did.

MR. BILL: I object to that. It is leading.

THE COURT: I will allow it.

Q. How did you feel after you learned they would not return to your house and bother them any more after you told them things? A. Well, I felt a little better.

Q. Why? A. Well, I mean the threats and bringing back and forth and they being brought into a matter they don't know nothing about - something I did.

THE COURT: I don't think you understand, Mr. McDonough - I allowed that other answer to stand - and the question.

Q. Had you made up your mind to give a statement?
A. Well, I made up my mind later on.

Q. When? A. Oh, maybe half an hour or an hour.

Q. What were the reasons you made up your mind?
A. Well, the condition - the way the family was being abused for what I did, and the pressure was put on me, and I just wanted to be left alone.

MR. BILL: May I have that answer?

THE COURT: Yes, read it, Mr. MacGlashan.

(The Reporter read the answer)

Q. Now, I show you four pieces of paper marked State's Exhibit Z for identification. Can you read?
A. I cannot read. I couldn't tell you one word on that exhibit.

Q. Can you write? A. No, sir - just my own name - that is all.

Q. What is your full name? A. Full name is Bertram Arthur Culombe.

Q. Can you write Bertram Arthur, Culombe?
A. No, sir.

Q. What can't you write? A. I can't write Bertram.

Q. You can write Arthur Culombe? A. Yes, sir.

Q. Is that all you can write? A. Yes, sir.

Q. State's Exhibit Z - do you know that you ever saw that paper before? A. Well, I couldn't say definitely if I saw exactly that paper.

Q. By looking at it it won't help you any, you mean?
A. Yes, sir.

Q. Can you tell us whether or not this paper, State's Exhibit Z was ever read to you? A. They read from a paper, but I couldn't say if that is the paper.

Q. When was the paper read to you? A. Well, that paper was read in one of the interrogation rooms - what they call.

Q. On Wednesday night? A. It was read Wednesday night to me.

Q. And did you see that paper being drafted or drawn up that was read to you? A. What do you mean by drawn up?

Q. Well, typed? A. Nothing.

MR. BILL: Is that Z-1 or Z?

MR. McDONOUGH: Z.

MR. BILL: We are mixed up here. May I ask what paper he showed him?

THE COURT: He showed him Z.

MR. BILL: And then you asked about Wednesday night?

MR. McDONOUGH: Yes.

MR. BILL: It is obvious that it wasn't drawn up then.

MR. McDONOUGH: I am merely asking in the last question if a paper was shown him.

THE COURT: I think that is what you meant when you asked him, but you asked him whether he knew it was that paper.

MR. McDONOUGH: And the answer was that he didn't know.

Q. But there was a paper shown to you on Wednesday night? A. There was a typing of paper.

Q. There was a typed paper shown to you on Wednesday night? A. Well, a paper was typed on the typewriter.

Q. Was that shown to you? A. I don't know if it was this particular one or not, but there was one showed to me.

Q. How many papers did they show you on Wednesday night? A. Well, there might have been three or four.

Q. Any more than three or four? A. Well, they had some more, but I don't recall.

Q. You remember three or four papers being shown to you? A. Yes, sir.

Q. Were those papers together in one bunch or separate and apart? A. That I can't recall.

Q. Well, showing you State's Exhibit Z-1 - five pieces of paper clipped together. Were a group of five sheets of paper clipped together shown to you on Wednesday night? A. Well, I don't know whether it was clipped together.

Q. Well, tell us what was shown to you. A. They showed me one or two or maybe three or four pieces of paper separately.

Q. Who showed them to you? A. Lieutenant Rome.

Q. Were those papers typed out in your presence? A. They was typed - I don't know if those are the papers, but papers was typed out and was shown to me or read to me.

Q. Were they typed out while you were there to see them being typed out? A. Well, I see him type something out.

Q. Well, the papers that were typed out - were those papers shown to you? A. I believe they was; I ain't sure though.

Q. Well, some papers were shown to you?
A. Yes, sir.

Q. Were they read to you? A. The lieutenant read some papers to me.

Q. Did you sign them Wednesday night? A. Yes I did.

Q. Before you returned to your cell? A. Yes, sir.

Q. Was it Wednesday night or Thursday morning?
A. Well, I think they had both.

Q. When did you first see me? A. I have saw you - Believe it was Saturday at the State Police headquarters - you was introduced to me by Lieutenant Rome.

Q. Lieutenant Rome introduced me to you? A. Yes.

Q. And did he say to you I was the attorney you wanted to see? A. Yes.

Q. Did he tell you I had been appointed your attorney by the Court? A. Yes, sir.

Q. Are you sure it was Saturday or Friday?
A. I am confused on that now - it was one or the other.

Q. Was it late in the afternoon and dark? A. It was just about getting dark, I believe.

Q. It was either Friday or Saturday, as you remember?
A. Yes.

Q. When was the next time I saw you? A. The next time I saw you was Sunday afternoon, I believe.

Q. The following Sunday? A. Yes, sir, you went down to the cell.

Q. In the cell block? A. Yes.

Q. Did I advise you regarding the signing of any other papers? A. Yes.

Q. What did I advise you? A. You told me not to sign any more papers and not to bother talking to the police, and I believe Lieutenant Rome was present when you told him you don't want him bothering me any more, and said you were assigned to the case by the State's Attorney and Judge Bordon, I believe.

Q. How about your being transferred to the jail? A. On that day I was transferred to the jail on your request, Sunday.

Q. Did you see Lieutenant Rome and another State Police officer on the following day - Monday? A. I did.

Q. Where did you see them? A. At the Hartford County jail.

Q. And under what circumstances - what happened?

A. Well, Lieutenant Rome had a privilege, he said - said - "We didn't come here to question you, and I guess this is okayed by your attorney. It is all right", so he says, "I didn't come to ask you any questions or didn't come here to try to frame you or anything like that". That is all he says. He says, "All we want you to do is sign the papers", so I said, "I thought I signed it with the confession that he claimed at that time". I says, "I believe I signed them all, didn't I?" He says to me, "Well, there is two of them you didn't sign - you forgot to sign", and he read something to me, and I don't know - I was kind of suspicious about it, or nervous, - I know that I was nervous, and so I signed the paper. I think one of the officers that was with Lieutenant Rome - I think it was Officer O'Brien - or something - was there, and I just signed the paper and went to my cell and they left.

Q. Did you say anything to the lieutenant about your attorney telling you not to sign anything?

A. I believe I said that my attorney didn't want me to sign anything and to let me alone, and he says, "He knows about this and I guess it is all right", or something or another.

Q. Were you treated by a doctor at the jail?

A. Yes, I was.

Q. When? A. Let's see - I was brought in there Sunday I was treated by the doctor on Monday, Wednesday, and I guess Thursday.

Q. Monday, Wednesday and Thursday - or Wednesday and Thursday. A. I believe it was Monday, Wednesday and Thursday, or it may be Friday instead of Thursday. I can't be sure, but I have left my name with the head jailer at the desk, and I told him I couldn't sleep at night and give him the reason why and told him I wanted to see the doctor. I told him three or four times before I seen the doctor.

Q. When did you leave word you wanted to see the doctor? A. I believe I left word Sunday night and again, on Monday morning when I was brought to the cell. Then I think it was Monday or Tuesday when the doctor came to my cell with two of the guards.

Q. Did you take any medicine while you were at the jail? A. Yes, I have took it - some kind of liquid - I couldn't tell you the name of the stuff, but it was to settle my nerves, and then I told him I got awful pains in my side and my back, and he examined me with the things you put in your ears, and he says, "You are pretty well upset, aren't you? and I says, "Yes, sir", and he says, "This will quiet your nerves", and he give me this stuff to drink.

Q. Did you say anything about your side or your ankles? A. I don't recall.

Q. Were there any marks on your sides?

A. There was no marks on my side - just a slight red mark.

Q. How long did that last? A. That lasted about a week.

MR. McDONOUGH: No further questions.

If Your Honor please, may I, before Mr. Bill begins his cross examination, call Dr. Kardys. He is busy and is under subpoena, and he will only be a few minutes.

THE COURT: Do you have any objection?

MR. BILL: No.

THE COURT: All right, step down.

JOHN A. KARDYS, a witness on behalf of the accused Culombe, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. John Albert Kardys.

Q. Address? A. 49 Pilgrim Road, West Hartford.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. Doctor, you are a practicing physician and surgeon in the City of Hartford? A. I am.

Q. And have been for how long? A. 27 years.

Q. What hospitals are you attached to?
A. St. Francis, Hartford, McCook Memorial.

Q. Are you designated by this county as the physician for the Hartford County Jail? A. Yes, I am.

Q. Have you seen, or attended or treated Arthur Culombe? A. Yes, sir, I did.

Q. The witness who just left the stand? A. Yes.

Q. Tell His Honor when and where and what treatment you gave him and what were his complaints.

A. I treated him one Sunday. I don't remember the exact date - in his cell - approximately two o'clock in the afternoon on a Sunday. He was complaining of feeling faint, nervous and of pain in his stomach in the higher part of his stomach. While in his cell I obtained a history from him. He seemed to be remorseful about the situation he was in, plus the unpleasantness he caused his wife and children, and he was complaining of the stomach pain he had high up in the abdomen.

Q. Did he say anything else to you? A. No.

Q. Did he say anything about being beaten?
A. No.

Q. Did he say anything about being kicked?
A. No, sir.

Q. Did he say he couldn't sleep? A. No.

Q. What were his complaints? A. They were of nervousness, pains in his upper stomach - the epigastric region. Chest examination did not bear out anything but nervousness.

MR. McDONOUGH: That's all.

CROSS EXAMINATION BY MR. BILL:

Q. You knew something of the history of Arthur Culombe? A. I did from what I read in the papers.

Q. And that was on Sunday, March 3? A. I don't remember the exact date.

Q. Had you heard this man had confessed to murder?
A. Yes, I did.

Q. You knew that when you went to see him?
A. Yes, I did.

Q. So that it must have been the Sunday after you had heard he had confessed? A. Yes.

Q. Did you find anything about this man that you wouldn't expect to normally find about a man who had been accused of murder and had confessed to it?
A. No, sir.

Q. Did you see any marks on him? A. No.

Q. And you didn't question him about being beaten, did you? A. I did not.

Q. He was remorseful, you say? A. Yes.

Q. That wasn't unusual under the circumstances, was it? A. No, sir.

Q. You say he was remorseful because he had caused his family this trouble? A. That is what he stated to me.

MR. BILL: That is all. (witness excused)

BEN RAPOPORT, a witness called by the accused Culombe, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Rapoport.

Q. Will you spell your last name?
A. R-a-p-o-p-o-r-t.

Q. And your address? A. 610 West 145th Street.

Q. In New York? A. New York.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. Mr. Rapoport, you are serving a sentence at the county jail? A. That's correct.

Q. And you were in February and March of 1957? A. Yes.

Q. Are you a trustee there? A. Yes

Q. Were you acting as a trustee when Arthur Culombe came into the jail February 26th, 1957? A. Yes.

Q. Any of your duties as a trustee take you into the jail hospital? A. No, sir.

Q. Have you seen Culombe in the jail hospital? A. No.

Q. Have you had anything to do with the obtaining of pills or any administration to him? A. No.

Q. You know nothing about him? A. I don't know anything about him.

MR. McDONOUGH: That's all.

MR. BILL: No questions.

THE COURT: You are excused, Mr. Rapoport.

MR. McDONOUGH: Mr. Culombe, resume the witness stand.

ARTHUR CULOMBE, having been previously sworn, was recalled and testified as follows:

THE COURT: Cross examine, Mr. Bill, whenever you are ready.

MR. BILL: Yes, just a moment, please.

CROSS EXAMINATION BY MR. BILL:

Q. What time of the afternoon was it when you and Taborsky were picked up at Park Terrace at his mother's

home by Officer Moran? A. Maybe it was about two. I couldn't tell you definitely.

Q. That was on a Saturday afternoon, wasn't it?
A. That was on a Saturday afternoon.

Q. And do you know dates? February 23rd, do you remember that? A. Well, I couldn't tell you dates.

Q. We'll skip that. Now, as I understand it, you followed these two officers along in your car and you were driving, weren't you? A. Yes, sir.

Q. And had they asked both of you to come over to headquarters, or just Taborsky? A. No; just Taborsky.

Q. And when you got to headquarters you dropped off Taborsky and then you proceeded on your way home, didn't you? A. Yes, sir.

Q. And when you got down to your house you shortly went into the bathroom there, didn't you? A. Well, I went in the bedroom and then I went in the bathroom later.

Q. How soon after you got down to your home did Sergeant Paige and Riemer appear? A. Well, I didn't know Riemer at that time, –

Q. Another officer? A. — by that name.

Q. Another officer came down with Paige?
A. I'd say maybe about two or three minutes.

Q. After you arrived there? A. Yes; it was shortly after.

Q. And you were in the bathroom or went into the bathroom when you heard them at the door, is that right?
A. Yes, sir.

Q. And you went in there and did something about the cabinet, didn't you? A. Yes, sir.

Q. You hid a gun there, didn't you? A. Well, I hid a brief-case there.

Q. All right; you hid a brief-case there. Was there a gun in the briefcase? A. Yes, there was.

Q. And that gun had been used on some job, hadn't it? A. Yes, sir.

Q. And that's why you rushed down to the house and got right in there and started to hide it, wasn't it?
A. Yes, sir.

Q. And it was after you got that hidden that you then answered the door and you saw it was Sergeant Paige and some other officer? A. The way it was, I heard a bang at the door.

Q. You heard a bang? A. And at that time as I heard the bang at the door I surmised it was the police, I mean.

Q. That's why you were hiding that gun so fast, wasn't it? A. Yes, sir.

Q. Now, after you got back up to headquarters, how long after you had gotten there before you said - you asked for a lawyer? A. Well, it was after we come back from our journey, what they call.

Q. When you went over to Coventry and Rocky Hill?
A. Yes, sir.

Q. Up to that time you hadn't said anything about a lawyer, had you? A. No, but I wasn't charged with anything.

Q. And were you later charged with something?
A. Well, I was charged with something.

Q. What was it, do you know? A. Well, I couldn't tell you offhand.

Q. When was it? A. It was Saturday.

Q. In the evening? A. No - Later in the evening, yes.

Q. Had you said anything about a lawyer up until the time that you were charged with something? A. Yes, sir.

Q. You had? A. Yes, sir.

Q. Before that? A. Before that. During the questioning. Before I even was brought downstairs to be booked.

Q. In other words, you said nothing about a lawyer, you claim - A. Well -

Q. Wait a minute. On this trip to Coventry and Rocky Hill nothing was said. Then you returned to headquarters, is that right? A. That's right.

Q. Did you have dinner after that? A. We had dinner at some diner in Wethersfield there.

Q. Then you came back, and how long after you had been back there at headquarters did they start questioning, if they did? A. Oh, as soon as we got back.

Q. As soon as you got back? A. Yes, sir.

Q. And how long after you got back and they started questioning did you speak of a lawyer? A. Well, I'd say maybe a half hour.

Q. A half hour? A. Yes, sir.

Q. And why did you wait for a half an hour before you asked for a lawyer? A. Well, I didn't ask for a lawyer for the simple reason right away - I waited that long because I was being accused of something, and after I was being accused of something I wanted a lawyer then.

Q. What were you being accused of? A. Well, I

was being accused of using such guns that they had, and being accused of murder.

Q. You had been accused of murder then?
A. Yes, sir.

Q. And who had accused you? A. Who had accused me of murder?

Q. Yes. A. Lieutenant Sam Rome.

Q. And what murder had he accused you of?
A. The way it was, I think it was at that time I was being asked about such jobs and then being accused of murder after that.

Q. Now, you remember that during this trial now, here, you helped out Mr. McDonough with notes so he could take notes here to ask Lieutenant Rome questions, isn't that right?

MR. McDONOUGH: Just a minute, please. This is objected to.

MR. BILL: I am asking him.

MR. McDONOUGH: I object to it.

MR. BILL: I claim it.

MR. McDONOUGH: That drags me into the controversy and I shall have to state whether he did or did not. The State's Attorney would assume, from seeing other counsel pass me notes, that Culombe wrote -

MR. BILL: No; I can ask him what he told his lawyer.

MR. McDONOUGH: You cannot. That's confidential, if it may please the Court.

MR. BILL: I'm not asking the lawyer.

THE COURT: First of all I'll decide who should speak, and when. I'd like to hear, if I can hear, everything; but

I can't hear what two voices are saying at the same time. The privilege is one that the client is entitled to claim; not the attorney; as you well know.

MR. McDONOUGH: I know I can advise my client in Court not to answer.

THE COURT: Of course you can, but there is nothing to prevent Mr. Bill from asking him. However it seems on a preliminary matter, on the question of the admissibility of evidence, it puts counsel in the position where he might have to testify, and it doesn't seem to me -

MR. BILL: I'll withdraw the question.

Q. You were here when Mr. McDonough was asking Lieutenant Rome whether or not you asked for a lawyer? You were here in the Courtroom, weren't you? A. If I was here when he asked - Will you repeat that again?

THE COURT: Read it, Mr. Burke.

(Last question read by reporter.)

A. I imagine I was.

Q. Well, you know, don't you? You've got a good memory. You were telling all these facts that took place three months ago. Do you mean you can't remember whether you were in the Courtroom? A. I was in the Courtroom. Where else would I be if I ain't in the Courtroom?

THE COURT: Don't answer, Mr. Bill. And don't ask Mr. Bill any questions, because he can't answer. Go ahead, Mr. Bill.

Q. Don't you remember when your lawyer, Mr. McDonough, was asking Lieutenant Rome the question, "Didn't he ask you for a lawyer that Saturday evening?" You remember that, don't you? A. That's right.

Q. And do you remember Mr. McDonough, when he was asking Lieutenant Rome, ever mentioning any lawyer's name? A. He didn't mention any lawyer's name; no.

Q. No. A. But he knows I asked for a lawyer.

Q. Who knows it? A. He knows it. Lieutenant Rome knows it.

Q. I am not asking you about that. You didn't hear Mr. McDonough ask Lieutenant Rome if he asked for a particular lawyer - that you asked for a particular lawyer by name, did you?

MR. McDONOUGH: Object. It's immaterial and irrelevant what he knows, whether I did or did not ask Lieutenant Rome.

THE COURT: I'll overrule the objection because it is clearly permissible cross examination. Will you read the question, Mr. Burke?

(Last question read by reporter.)

A. Lieutenant Rome didn't say no particular lawyer.

Q. No; you don't get the question. You heard Mr. McDonough here in Court ask Lieutenant Rome if you didn't ask for a lawyer? You heard that question, didn't you? A. Yes.

Q. And you didn't hear Mr. McDonough, when he asked that question, ask Lieutenant Rome if you asked for a particular lawyer, did you? A. I didn't hear that question.

Q. You didn't hear Mr. McDonough mention his own name as being a lawyer, did you? A. I think I did.

Q. What's that? A. I think I did.

Q. You did? Here in the Courtroom? A. I think I did. I don't know.

Q. You don't know? A. No, I don't know. I think I did.

Q. I thought your memory was very good, Isn't it?
A. I wouldn't say it is.

Q. When you just testified you said you asked for a lawyer, "I think I asked for Mr. McDonough."
A. I think I asked for him.

Q. You don't remember that, do you, whether you did or not? A. There's so many things, how are you going to remember everything?

Q. You don't remember that, do you? Isn't that right?
A. I can't say.

Q. No. That's right. And how long were you questioned that Saturday night? A. About two or three hours, roughly. I don't know.

Q. So you got to bed early that night, didn't you?
A. Got to bed at midnight.

Q. What time do you usually go to bed? A. When I feel tired I go to bed.

Q. You go to bed sometimes at midnight, don't you?
A. Go to bed before midnight; sometimes I go to bed after midnight.

MR. McDONOUGH: What was that answer?

THE COURT: Read it, Mr. Burke.

(Last question read by reporter.)

Q. And Sunday you went to bed about the same time? A. Are you talking about when I'm locked up or are you talking about when I'm home?

Q. I as talking about at the barracks. You know that, don't ou? A. At the barracks I don't have no choice, at the barracks.

Q. You said you went to bed about twelve o'clock at the barracks? A. About midnight, roughly. I don't know. I ain't got no watch. He's got my watch.

Q. The next day was Sunday. I think that's the time that you said Lieutenant Rome came downstairs where you were? A. When was that? Sunday morning?

Q. Yes. A. Yes; Lieutenant Rome came downstairs.

Q. And he just laughed at you? A. Sure he laughed. He thought it was a joke.

Q. He didn't talk with you at all that morning?
A. No, he did not talk to me that morning.

Q. When was the next time that he talked to you?
A. Well, he may have talked to me in the afternoon, Sunday. Of course, I can't say; you know.

Q. And the conversation then pretty much was about you and Taborsky being together, wasn't it? A. Well, I think that took place Saturday.

Q. What's that? A. I think that took place Saturday.

Q. That took place Saturday? A. Yes; during the questioning and all the other stuff.

Q. And you told the police officers that you had only seen Taborsky twice, as I remember it, is that right?
A. Yes, I told - I seen him in October before he got married.

Q. Yes? A. And I told him I had saw him New Year's Eve, and Saturday they had at present.

Q. And that wasn't the truth, was it? A. That was at that time that I told him, regardless of what I told him before. That was at that time I told him.

Q. But when you told him you had only seen him those two times, that was a lie, wasn't it?

MR. McDONOUGH: I object. It isn't material in this inquiry whether those things that were told were the truth or not. What is material in this examination is what he told and why he told it. We're not going to try the case itself.

THE COURT: I'll have to sustain the objection on the ground that he has already testified not to two, but to three times; In October before he was married, New Year's Eve, and the Saturday when they were arrested. That's what he just finished testifying.

MR. BILL: I assume he saw him that day. I was talking about prior to that.

THE COURT: The question isn't clear. I'll sustain the objection.

Q. When they asked you about - It was three times you told him you had seen him? A. Yes, sir.

Q. And that was before he was married in October, and on New Year's Eve, and then on the day they took you down to headquarters? A. That's right.

Q. And that wasn't the truth, was it?

MR. McDONOUGH: I object.

A. I can't answer that.

MR. McDONOUGH: Just a moment. I object on the ground that this examination is not to determine the truth or the untruth of what he said.

THE COURT: No; but it's cross examination, anyway. It could go to his veracity and credibility. So at the present point I'll have to overrule the objection.

MR. McDONOUGH: May I have an exception?

THE COURT: You may.

Q. You mean you don't remember? A. I wouldn't say I don't remember, I just don't want to answer such a question.

Q. You don't want to answer it? A. That's right.

Q. Can't you answer it? A. I don't want to.

Q. Can you answer it? A. I can't say.

Q. Now, wasn't there questioning of your wife about that same day when you went back there after the guns? A. Are you referring to Sunday?

Q. No, Saturday? A. Yes, sir.

Q. Did the police talk to your wife on Saturday? A. Yes, sir.

Q. And they asked her about Joseph Taborsky, didn't they? A. At least that is what Sergeant Paige told me.

Q. Didn't you hear them questioning your wife? A. I heard Sergeant Paige say a couple of words to her as I was leaving.

Q. And you knew they were talking about Taborsky, didn't you? A. I did.

Q. Do you know what your wife said about Taborsky? A. No, the only thing I knew was said was what Sergeant Paige told me.

Q. What did he tell you? A. He says, "We asked your wife about Taborsky" - well, I don't care to say that - but he said, "We asked your wife about Taborsky and she says he hasn't been here."

Q. And then when you got back you were taken up to the interrogation room and that was where they had the

table there with the guns and masks and so forth?

A. That's right.

Q. And that is when you said Lieutenant Rome called you a goddamn liar and that it hurt your feelings?

A. That is right - it was in the room across from there.

Q. And after that you went to bed and that closed it?

A. I wouldn't say it was that close - there was more questioning. I remained in the room there with Sergeant Paige to be questioned more and Sergeant Paige says to me, "They are checking your guns out with tests" - or something - he says.

Q. How long was that for? A. Well, I didn't even watch the watch that night, so I couldn't tell you that.

Q. Now, what time on Saturday - that first Saturday - what time did you go back to the house after those guns?

A. I couldn't tell you the time definitely right now.

Q. What had you talked about before you went down after the guns? A. I don't remember.

Q. Had you been accused of anything? A. Well, I wouldn't say I was accused of anything at that time.

Q. Had you asked for a lawyer at that time?

A. I asked for a lawyer when I got back.

Q. Back from where? A. From my home.

Q. How long after you got back did you ask for a lawyer? A. How long did I after I got back? It might have been half an hour - it might have been an hour - I can't tell you offhand, I don't know.

Q. So on Sunday there was no interrogation in the morning at all - no questions? A. Well, I didn't say there was - in the afternoon - later on.

Q. Later on in the afternoon? A. Yes.

Q. I think you said you were taken upstairs and a lot of people were looking around and Officers? A. The people were looking at me not the Officers.

Q. And then you had been taken down to the Officers' barracks and given sandwiches and milk? A. Yes.

Q. That is all that happened before you went to supper, wasn't it? Did you tell us anything else? A. I don't know if I was questioned more.

Q. You don't remember now? A. I don't remember now.

Q. So, as far as you know you went down to supper after that? A. I went upstairs for supper.

Q. You went upstairs for supper and then it was after that that this bookie - you called him Lisco, or some name like that - Danny - was there? A. Yes, he was sitting in the room with a Hartford Policeman.

Q. And that is when you claim you heard your wife's voice in the next room? A. It wasn't at that time - it was when we got through that conference.

Q. It was that same afternoon? A. It was that same afternoon later.

Q. How long afterwards? A. Maybe an hour, maybe half an hour. I couldn't tell you the time right now.

Q. When did you see Lisco - that was after supper, wasn't it? A. I couldn't tell you the time there.

Q. Was it before or after supper? A It was after I had the sandwich and glass of milk.

Q. It was afterwards. Do you think it was around six o'clock? A. I can't remember the time right now.

Q. Was your wife there in the afternoon or evening?

That is what I want to know. A. Afternoon? I know she was there in the evening; I don't know about the afternpon.

Q. The time you are talking about is in the evening anyway? A. It was after supper, right.

Q. Did you see her? A. When the door opened--

THE COURT: Wait a minute. Do you remember the question.

THE WITNESS: You start over again.

(The Reporter read the last question and answer)

A. I did - not to talk to, that is.

Q. You saw her? A. That's right.

Q. Where was she? A. In the room - it is in the room where the lieutenant - I didn't know then - the room where the policewoman is that has all the gadgets and what not.

Q. Was there anybody with her? A. There were three or four state policemans with her.

Q. Do you recall who they were? A. I recall County Detective Eddie Matus at the table there - he isn't there now.

Q. He was there? Who else was there?
A. Lieutenant Rome was there.

Q. Anybody else? A. There were three of four other policemans - I don't know their name.

Q. Was the policewoman there, Miss Murtha?
A. I don't recall; I didn't see her.

Q. Could you see the whole room? A. I don't say I could see the whole room, but the room was open part of the way, I could see part of the room.

Q. Who opened the door? A. Detective Matus.

Q. Did somebody go into your room? A. Detective Matus came into the room where I was - not to talk to.

Q. But he came in there? A. Yes.

Q. Did he leave the door open when he came in?
A. He left it open part way. That is why I knew what was in there.

Q. Did you call to your wife or attempt to see her?
A. I didn't attempt to see her.

Q. How far away from the door were you?
A. Just a short ways. You see, at the time when the door was opened I was back down the other end, and of course, I can't tell how many feet it was, or anything like that, but I was just down the other end when the door was open and could see when County Detective Matus came in with that short wave and went back in the other room and the door was left open part way and I seen what was going on in that room. The reason I saw that -

Q. What did you see? What was going on?
A. I seen Lieutenant Rome questioning the wife and I seen the wife very upset.

Q. Could you hear what they said - either one of them?
A. I did.

Q. What were they talking about? A. Well. Lieutenant Rome - in the short time I remember in that room - he was asking my wife about her personal life, and she says to him: "I don't know why we should talk about my personal life - I didn't commit a crime - he did."

Q. She said who committed a crime? A. She said I committed the crime - why should she be bothered instead of me. So at that time she was crying - she was well upset -

she wanted to go home with her two kids. I recall that. The kids was left all alone.

Q. Now, on Monday - that is when you went down to New Britain? A. Monday morning.

Q. And you were booked down there? A. Yes, sir.

Q. And you went over to the gas station afterwards? A. Afterwards, yes, sir.

Q. Kurp's Gas Station? A. I didn't know the name. I learned the name after. They told me the name - they told me - I didn't know the name.

Q. You had been there before, hadn't you? A. I don't answer that.

Q. You don't answer that question. Did you tell them you had been there before? A. At the time I didn't.

Q. What did you say? A. They says to me: "Do you recognize this place?" and I says, "I don't recognize this place; I never been here before." That is what I told them at that time.

Q. Then you went back to the State Police barracks and had dinner, is that right? A. That's right.

Q. And some New Britain policemen questioned you? A. That's right.

Q. And you went down to the cell block for an hour or so? A. That's right.

Q. And then you went up to the Personal Service Room - Sergeant Paige took you up there? A. That's right.

Q. That is when you were talked to about the New York policeman? A. Well, the way it was like I say, it was after I was asked if I read the paper, and I says I don't have a paper boy. Do you want to go on from there or what?

Q. No. Was there a policeman there from New York at that time? A. No, there was not.

Q. They just talked about it? A. Yes.

Q. Was there a club in that room at that time?
A. There was no club in the room.

Q. And you say Lieutenant Rome said something like this - that he ought to beat you over the head with a club? Did he say that? A. Yes, sir, - "And see how you like it".

Q. That didn't frighten you, did it? A. Well, what would it do to you?

Q. It didn't frighten you, did it? He told you he wasn't going to do it? A. He might have had one in the desk.

Q. You were frightened you say? A. I wasn't happy.

Q. But you didn't see any clubs? A. No.

Q. And he didn't make any move toward you, did he?
A. Not at that time he didn't.

Q. Then I think you said you mentioned talking about the canned goods, is that right? A. Yes, sir.

Q. How long were you in that conference?
A. I can't recall.

Q. How long were you in that Personal Service room? A. Well, maybe two or three hours, I can't recall right now.

Q. And there was discussions about the canned goods?
A. Yes, sir.

Q. Did you tell him you had taken the canned goods?
A. Well, I told him I took the canned goods from the

warehouse, but I believed - maybe I didn't say it before - but I believe like I said - I bought them from a guy on Front Street and figured it was just another story, according to him.

Q. It was just another story? A. I mean according to the way the police felt - just another story I trumpted up. They wouldn't believe what I told them, of course. And so he continued and continued about such a thing, and so I says, "All right, if you say I stole them, then all right, I stole them. Let's go on from there".

Q. You agreed to that? A. Agreeing, that is right.

Q. You wouldn't agree on the other crimes?
A. There was more pressure on the other crimes. This was a little matter. They didn't care about the canned goods any more than the man in the moon.

Q. You didn't say to them "I will agree to those"?
A. On the canned goods?

Q. On the other crimes? A. That I will what?

Q. That I will agree to that? A. I said I would agree on the canned goods - that if you tell me I stole them, I stole them. That is just the intention I told him.

Q. Well, Rome told you, you said, "It is too bad the law protects bastards like you or I would work you over", or something like that? A. He did.

Q. Well, he was telling you he wasn't going to work you over, isn't that the same thing? A. I didn't think he was kidding.

Q. He said the law protects you - if it wasn't for the law he would do it. He didn't say he would do it, did he?
A. He remarked - he says - "It's a good thing". This is after I got a kick in the ankles and in the ribs.

Q. This was after? A. This was after, and then he says, "It's a good thing the law protects bastards like you or I would finish you", or something like that.

Q. Who was there when he kicked you on the ankle? A. I think Sergeant Paige was in the room. I would say he was looking - he might have been looking out the window.

Q. Did you yell out? A. Well, I didn't say nothing.

Q. What did you say? A. I says when I go to court this will be brought out in court - the way I was treated, and I asked for a lawyer again and I started to cry.

Q. Was it brought out in court? A. That is what I am doing now.

Q. You were over here in court before Judge Bordon? A. I didn't have no choice over at the barracks.

Q. You were here before Judge Bordon? A. Yes.

Q. And you said you would cooperate? A. Yes.

Q. Did you tell him what Lieutenant Rome had done? A. I had no choice.

Q. You heard Taborsky speak up? A. I wasn't here when he was up.

Q. He asked you if you wanted to cooperate. Why didn't you say, "No, he kicked me".

MR. McDONOUGH: I object to that.

THE COURT: I will sustain the objection. Strike out the last answer.

Q. You remember being over here on Thursday? A. Yes, I remember when they served the bench warrant.

Q. Thursday, February 28 in this courtroom before Judge Bordon on the bench? A. Yes.

Q. And he asked you if you would be willing to go back to the State Police Barracks and cooperate with the police, didn't he? A. Yes.

Q. Why didn't you speak up and say no - "From the treatment I got over there - they kicked me and roughed me up"? A. Because the difference was on the time and the confession was signed - so what the hell is the difference in not going on with the original. The damages was all done. What else are you going to tell the judge?

Q. Well, it is done now, - why are you testifying?

A. And when he asked about that caravan business and we covered the Rosenthal and the Cohen and those things, and then they issued a bench warrant. What are you going to do?

Q. Now, on Tuesday afternoon you were with Lieutenant Rome and Sergeant Paige, weren't you? A. That's correct.

Q. And that is when your wife was there - sometime?

A. That wasn't the afternoon; that was late in the afternoon.

Q. About what time? A. I couldn't tell you the time.

Q. Well, your wife was up there telling you to tell the truth and get this thing over with, wasn't she?

A. Yes.

Q. Isn't that what she told you to do? A. Yes.

Q. And she was upset because you were not telling the truth? A. I wouldn't put it that way. She was upset because the police were dragging her back and forth and accusing her on top of it.

Q. She had reason to suspect - hadn't she told you she suspected you of those crimes? A. She never said that to me.

Q. After the North Haven matter didn't she tell you and Taborsky she suspected you? A. No, she didn't.

Q. She didn't? A. No.

Q. Didn't she tell you the night of the North Haven matter that she had been listening to the television and when she heard that and she knew you fellows had gone off that she suspected that it was you two that were doing that?

MR. McDONOUGH: I object. There is no evidence about any North Haven matter.

THE COURT: I Will sustain it.

MR. BILL: It has to do with this whole picture, Your Honor.

THE COURT: I understand, but I will sustain it.

Q. This is now back to headquarters on that Tuesday. She was getting pretty mad at you, wasn't she, because you weren't telling the truth? A. She wasn't getting mad exactly at me even though I wasn't telling the truth I wouldn't say that she was getting mad at me. She was getting mad at the abuse that she was getting. Why don't you talk about that fact?

Q. That was because you weren't telling the truth, wasn't it? A. No, they kept dragging her back and forth to the barracks, like a hound dog, for Christ sakes.

Q. Do you know how many times they took her over to the barracks? A. I can remember from Sunday until Tuesday.

Q. How many times? A. Of course, they wasn't doing it in front of me. They was doing it when I didn't know what I was doing, but I knew what they was doing.

Q. You didn't know? A. I know what they were doing.

Q. How many times did you see her over there? A. How many times did I see her over there?

Q. Yes. A. I see her Sunday night when she was all upset. She didn't see me to talk to, but I know that she was there.

Q. When else did you see her? A. When did I see her? Tuesday night.

Q. And when else? A. When did I see her after that?

Q. Yes. A. I saw her the night that there was such a thing as a confession.

Q. That was Wednesday? A. That's right. Then I saw her again Saturday.

Q. We are talking now before the confessions. You saw her three times? A. That's right.

Q. Did you know that she had asked to come over there to talk to you? A. If she asked to come over?

Q. Yes. A. Sunday night Lieutenant Sam Rome, up in that room, I heard him say "Do you want to see your husband?" She said "No, what the hell do I want to see him for." I heard that.

Q. Did you know -- A. Wait a minute. Monday morning when we were taken out to be brought to court Lieutenant Rome says to me, "You and your wife don't get along together," I didn't answer that. I says "We do", or something like that. I don't remember that.

Q. Do you know whether they asked her to go up there Tuesday or that she came because she wanted to see you? A. She didn't ask - well, I don't know that. I can't answer that.

Q. You don't know? A. No, not Tuesday, but I know the rest of the time she was dragged, dragged, dragged, day and night.

Q. When you say that they were dragging her back and forth, you don't know? You weren't there? A. I do know. I know that she was being brought back and forth. I got ears. I know what is going on.

Q. You don't know whether she asked to go up there, do you? A. I don't think that she wanted to go up there. I don't think nobody else wants to go over there.

Q. Do you know the reason that your children were brought over there is because when your wife came over to headquarters she wouldn't leave the children home?
A. She left them alone Sunday night.

Q. I am asking you about the times the children were there? Do you know the reason they were there is because your wife would not come over there without them?
A. Well, I couldn't answer that question.

Q. But you are talking about dragging the children over there, too. You don't know anything about that, do you?
A. I do know about that.

Q. Were you there when they were brought from the home? A. I can tell you how they operate.

Q. What's that? A. I can tell you how they operate, such as they operated.

Q. But you weren't there when this happened, were you? A. I was there. I couldn't say that I wasn't there. Where else would I be?

Q. You were down at the jail on Tuesday night? A. I was down the jail on Tuesday night and dragged out Wednesday morning.

Q. And you didn't get any medical treatment, no doctor, down there, that Tuesday, did you? A. That Tuesday?

Q. Yes. A. I didn't have no choice.

Q. Did you ask for a doctor? A. Did I ask for a doctor?

Q. Yes. A. I told the officer there, and he says "You want to see a doctor." You know, when I was telling him what's what, and he says "Well, you want to see a doctor." I says "I don't think I'm that bad but I can wait until morning." So when morning came along I was dragged out, actually pushed out, as they say.

Q. You didn't tell us that before, did you? A. I told you that I was pushed out.

Q. I mean about the doctor, when Mr. McDonough asked you questions. A. You see -

Q. No, just a minute. When Mr. McDonough just asked you questions ahead of me, did you speak of the doctor then, on Tuesday night?

MR. McDONOUGH: I object. The record will show that he did.

THE COURT: What is just as important is my recollection. He testified to it.

MR. McDONOUGH: Yes, Your Honor.

Q. And did he come there? A. Did he come there?

Q. Yes. A. I didn't see him then.

Q. Now, this State's Exhibit Z-1, look at that.

A. It is no good for me to look at it. I couldn't tell you what is on it.

Q. Look at your name, you know when you see your name signed, don't you? A. That's my name.

Q. That's your name, isn't it? A. Right.

Q. So you put your name on that paper, didn't you? A. Right.

Q. So I show you State's Exhibit for identification, Z, and look at the name at the bottom of that? A. That is initials, is that what you mean?

Q. No, look at that, the last page, is that your signature? A. There is a signature there.

Q. Isn't it yours? A. It looks something like mine but I couldn't swear it is mine. It perhaps is mine.

Q. Don't you know? A. I couldn't swear to it.

Q. You swore that this other one was. Is there any difference? A. It looks a little different to me.

Q. Did you sign something Monday? A. I did sign some papers Monday. What they was I couldn't tell you. Something about a confession, typing out.

Q. And was Lieutenant Rome and O'Brien there at the time on Monday? A. Yes, sir.

Q. And you say that looks like your signature, is that right? A. That is what I say.

Q. How many times between Saturday, when you were taken to police headquarters, and Wednesday night when you signed the confessions, did you see your wife? A. You mean from the time that I was locked up until the time that I signed the confession?

Q. Yes. A. Well, I recall that I seen her once, but not to talk to privately, or anything like that, if that is what you are referring to.

Q. But you saw her, didn't you? A. Yes, I saw her in a room there, like I says I did. And then I saw her in another room.

Q. Did you ask your wife to get you a lawyer?
A. I couldn't get to my wife to ask her such a thing.

Q. She was talking with you. You said here a lot of times she accused you of things. She said to you "Tell the truth and get it over with", and such things as that, didn't she? A. I didn't ask her to get a lawyer.

Q. You didn't ask her, did you? A. I didn't ask her. I didn't even think of it, to begin with.

Q. You didn't even think of it? A. No. How could you, with all this pressure? You don't even know what day it is half the time.

Q. Well, now, when you started to tell your story about the New Britain affair and some of the others on the confessions that Wednesday afternoon when Sergeant Paige was there Sergeant Murphy, Lieutenant Rome was not there at first, was he? A. No. I believe that Lieutenant Rome was down the other end, somewhere down there. I couldn't tell you what room, because I don't know.

Q. And when you started to make your confession about the guns and that sort of thing, with Sergeant Paige and Sergeant Murphy, they were in the room?
A. We wasn't talking about the guns at that time. We was playing the game at that time.

Q. You finally wound up the game by talking about guns, didn't you? A. At the end, yes.

Q. And that you would show them where they were? A. At the end, yes.

Q. That is where it started, wasn't it? A. What do you mean?

Q. When you started to confess? A. About the guns. I couldn't get nowheres. I didn't have no choice.

Q. But you did start to tell your story then, didn't you? A. About the guns?

Q. About everything? A. Well, I mean, during all the questions and all that and the pressure and all that sort of thing.

MR. McDONOUGH: I want these questions to be allowed to be answered.

THE COURT: I think that is true, and it is a fault that you were somewhat guilty of for the same reason. I don't think you realized he was still talking.

MR. BILL: The man keeps on going and going.

THE COURT: I think that he should be allowed to finish. Will you read the answer, Mr. Burke?

(Last answer read by reporter)

THE COURT: Had you finished your answer?

Go ahead, Mr. Bill.

Q. Sergeant Paige had always been good to you, hadn't he? A. Well, he treated me pretty fair.

Q. And Sergeant Murphy had? A. Well, I only saw the gentleman once.

Q. So the two men that were questioning you when you started to tell your story were two men that had been good to you, isn't that true? A. Well, they had.

MR. BILL: I wonder if we could suspend here, Your Honor?

THE COURT: All right. You may escort the accused from the courtroom.

(Accused escorted from courtroom).

MR. McDONOUGH: I have a number of witnesses, Your Honor, under subpoena, and I wonder if they could be instructed to be here so I won't have trouble with them.

THE COURT: How many?

MR. McDONOUGH: Four or five, Your Honor. Just the usual announcement, witnesses that are under subpoena.

THE COURT: Before we adjourn I want to notify all witnesses who are under subpoena to appear here that they will have to be here at ten o'clock tomorrow morning. Sheriff, you may adjourn court until tomorrow morning at ten o'clock.

(Court adjourned 4:56 p.m.)

THURSDAY - June 13, 1957 - 10:18 A.M.

THE COURT: May I have the jury and the alternates, Sheriff?

(Jury and alternates seated at 10:20 A.M.)

THE COURT: Good morning, ladies and gentlemen. I am still proceeding with the matter before me, and from all I can see - and counsel agree - it will occupy the rest of the day and tomorrow, so I am going to excuse you this morning until Tuesday at ten o'clock with the same instructions I have given you repeatedly and will continue to give: You will not talk about this case to anyone or allow anyone to talk to you about it. You will not read about it in the papers; if there is anything on the radio or television you will ignore it. I can't make any promises to you but I have

hopes. You will report back to your rooms next Tuesday morning at ten o'clock. As I say, there is no point in bringing you in tomorrow because it is obvious we will not be ready. I can't go any further than that. You are excused.

(Jury excused at 10:21 A.M.)

THE COURT: May I have the accused, please. Mr. McDonough, I take it Mr. Culombe will return to the stand? Mr. Bill, you hadn't finished your cross examination?

MR. BILL: I am going to now.

THE COURT: Then you are going to finish it right now?

MR. BILL: No further questions.

THE COURT: Then you don't want him on the stand?

MR. McDONOUGH: No.

May I have an opportunity to make this motion? I would like to make a motion at this time, if Your Honor please, in order to save the expenses and fees for subpoena, that it be ordered by the Court that the Sheriff of this County, who is the keeper of the County Jail, or his Deputy at the Jail - I understand Sheriff Potter is absent in Texas at a convention - produce in this Court the mittimus that the Jail received committing Culombe to the Jail on Tuesday night, February 26, and that he produce in this court the jail record of the manner and by what authority he was taken from the jail on Wednesday morning, February 27th and the Officers of the Jail who took him from the jail and turned him over to the State Police on that morning. That can be done and it should be done forthwith.

THE COURT: Any objection.

MR. BILL: No.

THE COURT: The court will so order.

MR. BURKE: And may the Court order the mittimus committing Taborsky to the County Jail?

THE COURT: Yes, that is included in the order. Bring in the accused, if you please.

(Accused present in court.)

MR. McDONOUGH: I am not going to call Culombe.

THE COURT: The record should show that you have no further cross examination and there is no rebuttal. Call your next witness.

MR. McDONOUGH: Steve Malley.

STEPHEN JAMES MALLEY, a witness on behalf of the accused Culombe, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. Stephen James Malley.

Q. Your address? A. 27 Longdale Avenue, Bristol.

ASSISTANT CLERK: You may be seated.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. Mr. Malley, on February 26, 1957 were you employed at the Hartford County Jail? A. Yes, I was.

Q. Were you there on duty on the night of that date?
A. Yes, I was.

Q. Did you see Arthur Culombe at the jail?
A. Yes, I did.

Q. On Tuesday night? A. I booked him in.

Q. I show you a slip of paper and ask you what it is?
A. It is a receipt for prisoner's property.

Q. Given to whom? A. Arthur Culombe.

Q. And that is the record of the jail? A. Yes.

Q. And that was given to him on Tuesday night, February 26th? A. Yes.

Q. Do you recall about what time he was brought into the jail? A. I guess it was around eight o'clock - I am not sure of what time it was.

MR. McDONOUGH: May this be marked for identification?

THE COURT: Yes, Culombe's Exhibit 5 for identiff-cation.

(Prisioner's property receipt marked Culombe's Exhibit 5 for identification.)

MR. McDONOUGH: This Exhibit is marked "Inmate's Property Receipt".

Q. Did you have a talk with Culombe when he was brought in to the jail that night? A. Yes, I talked to him like anyone that comes in. I told him to empty his pockets and I shook him down.

Q. By shaking him down, what do you mean?
A. Going through his pockets, turning out his pockets and socks and everything else.

Q. He talked to you? A. He did.

Q. What did he say to you? A. I don't remember just what he said.

Q. Well, you talked to me the other afternoon at the jail - Monday afternoon? A. Yes, I did.

Q. Didn't I ask you then about the conversation?
A. Yes.

Q. Did you tell me what he said to you?

MR. BILL: I object to that.

MR. McDONOUGH: Claim it.

MR. BILL: There is no reason for cross examination.

THE COURT: I took it it was to refresh his recollection.

MR. McDONOUGH: Yes.

THE COURT: I will allow it.

MR. BILL: It is the manner in which it is being done.

THE COURT: That doesn't show in the record. I take it was perhaps a little enthusiastic but I will allow it.

MR. McDONOUGH: I am always enthusiastic, Your Honor.

THE COURT: Will you answer the question now.

THE WITNESS: Mr. McDonough asked me if he told me he got beat up by the State Police, and I told him Culombe told me he was beat up by the State Police.

Q. He did tell you that the night he was brought in? A. Yes.

Q. What did he say to you? A. He says, "I was kicked around by the State Police up at the State Police barracks."

Q. What else? A. That is all I remember.

Q. Did he talk about a doctor? A. I asked him if he needed a doctor —

Q. And he said he would wait until the morning?

MR. BILL: I object to that.

MR. McDONOUGH: Withdrawn.

Q. But he told you what happened at State Police Headquarters? A. Yes.

Q. That he was beaten up?

MR. BILL: Wait a minute - kicked around.

THE COURT: I recall the evidence.

Q. Do you know whether or not any sedatives or pills were given him? A. No, sir, I don't.

MR. McDONOUGH: That is all.

THE COURT: Cross examine, Mr. Bill?

CROSS EXAMINATION BY MR. BILL:

Q. You are what - a guard there? A. Yes, sir.

Q. And do you have reports that you make of anything that - any incident that occurs that is out of the ordinary to the prisoners? A. Yes.

Q. What is that, a log book? A. Yes.

Q. Did you make any entry on this one? A. I don't know whether I did or not.

Q. He said he was kicked around? A. Yes, sir.

Q. He didn't show you any marks? A. No, sir, he didn't.

Q. You didn't see any? A. No, I didn't.

Q. He just used the expression "kicked around by the State Police" A. Yes.

MR. BILL: That is all.

REDIRECT EXAMINATION BY MR. McDONOUGH:

Q. Did he say anything about being kicked in the side by Lieutenant Ro[illegible] ? A. No, sir, he didn't.

Q. You say you didn't see any marks? A. I took off everything but his underwear and then I took him down to have a shower a night or so later.

Q. I am not asking you about a night or two later. That night he had his underwear on? A. Yes.

MR. McDONOUGH: All right.

MR. BILL: No questions.

THE COURT: Step down.

MR. McDONOUGH: I will excuse him.

(Witness excused.)

STEVE KOWALSKI, a witness on behalf of the accused Culombe, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. Steve Kowalski.

Q. Your address? A. 37 Carlton Street, New Britain, Connecticut.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. Mr. Kowalski, were you employed at the Hartford County Jail on the 26th, 27th and 28th of February, 1957?
A. Yes.

Q. Did you see Culombe at the County Jail?
A. Yes.

Q. When was the first time you saw him at the County Jail? A. I think it was around the latter part of February that they brought him in - between the 26th and 27th of February.

Q. Whether or not you gave Culombe any medicine or pills or anything? A. No, I didn't sir.

Q. To refresh your recollection, Mr. Kowalsky, didn't you on the night he was brought in, on the night of the 26th, in his cell, give him four aspirin tablets? A. Aspirins?

Q. No. A. I can't remember.

Q. Well, you say you didn't.

MR. BILL: Your Honor, this is his witness and he is cross examining him.

THE COURT: I am going to permit it.

Q. Will you say you did not give him any?
A. I can't remember.

Q. Culombe has testified, Mr. Kowalski, that you gave him four aspirin tablets? A. Well, I can't remember because I give aspirins to mostly everybody.

Q. In other words, you could have given them to him?
A. It is a possibility.

MR. McDONOUGH: That is all.

THE COURT: Any cross examination, Mr. Bill?

MR. BILL: No.

(Witness excused.)

MR. McDONOUGH: Mr. O'Toole?

PATRICK G. O'TOOLE, a witness on behalf of the accused Culombe, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. Patrick G. O'Toole.

Q. Your address? A. Wethersfield.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. Mr. O'Toole, you are a Deputy Sheriff of Hartford County? A. Yes, sir.

Q. And you are also employed at the Hartford County Jail? A. Yes, sir.

Q. Were you employed there on the night of February 26th - Tuesday - or on February 27? A. Yes, sir.

Q. Did you see Arthur Culombe at the County Jail on the night of Tuesday, February 26th? A. I did.

Q. Did you in the course of your duties give him any pills in his cell? A. No, sir.

Q. Did you give him anything at all? A. No, sir, nothing.

Q. At anytime? A. No, sir, at no time.

MR. McDONOUGH: That is all.

THE COURT: Any cross examination?

MR. BILL: No.

THE COURT: You may step down.

(Witness excused.)

MR. McDONOUGH: It is important to the defense of Culombe, that I have a ten minute recess.

THE COURT: Any objection?

MR. BILL: No.

THE COURT: The accused may be escorted from the courtroom.

(The accused was escorted from the courtroom.)

MR. McDONOUGH: I will notify Your Honor.

THE COURT: Ten minute recess, Sheriff.

(Recess at 10:37 A.M.)

JUNE 13th, 10:55 A.M.

(Accused present)

(Jury and alternates not present)

THE COURT: Are you ready to proceed, Mr. McDonough?

MR. McDONOUGH: Yes, Your Honor. Mrs. Culombe.

DOROTHY CULOMBE, a witness called by the accused Culombe, having been sworn by Mr. Coburn testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Dorothy Culombe.

Q. Where do you live? A. 20 Coleman Drive, Rice Heights.

Q. In Hartford? A. Yes.

THE COURT: Sit down, Mrs. Culombe. I take it that this is the wife of the accused Arthur Culombe?

MR. McDONOUGH: Yes, Your Honor.

Q. Now, Mrs. Culombe, I have to tell you this, and I am just talking to you and I want you, if you don't understand me, to say so, because I want you to understand me. You had to come to court when you got the subpoena but you don't have to testify in this case if you don't want to. You have a right to testify if you want to, but you don't have to if you don't want to and you can say that you don't want to, and if you don't want to you don't have to. Do you understand that?

THE WITNESS: Yes.

THE COURT: Completely? Do you understand?

THE WITNESS: Yes, sir.

THE COURT: Don't say "yes" if you don't. You do understand that you may testify if you want to, but you don't have to if you don't want to, under our law? You understand that? A. Yes.

THE COURT: Do you want to testify?

THE WITNESS: Yes, sir.

THE COURT: You may proceed.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. Mrs. Culombe, you are the wife of Arthur Culombe, the defendant in this case? A. Yes.

Q. And when were you married to him?
A. In 1942.

Q. And you have two children born of the marriage?
A. Yes, sir.

Q. What are their names? A. Joanne and Sandra.

Q. Joanne and what? A. Joanne and Sandra.

Q. And the younger child is known as Sandy, isn't she? A. That's right.

Q. Joanne is how old? A. Thirteen.

Q. How old is Sandy? A. Five.

Q. Where do you live, Mrs. Culombe? A. 20 Coleman Drive.

Q. Hartford? A. That's right.

Q. And on February 23rd, 1957, you recall your husband being taken into custody by the State Police?
A. That's right.

Q. And you were living there at that time?
A. That's right.

Q. Now, on February 23rd, which was on a Saturday, did you go to the State Police barracks in Hartford?
A. No.

Q. When is the first time that you went to the State Police Barracks? A. Sunday night.

Q. Sunday night, February 24th? How did you happen to go there? A. Three of them came in.

Q. Three of who? A. Detectives. I don't know which ones they are.

Q. State police? A. Yes.

Q. Did you tell them that you wanted to go to the barracks? A. No, I didn't.

Q. It has been testified that you wanted to go to the barracks to see your husband. A. No, I didn't.

Q. That isn't so? A. No.

Q. Tell His Honor the situation when those three State Policemen came to your house? A. They came in, they asked me if I wanted to go down to see my husband. I said that I couldn't go because I didn't want to leave the children alone, I had nobody to stay with them. They talked me into it -

Q. What? A. They talked me into it and I left the five year old with my oldest girl, so I got down and I did not see my husband that night.

Q. You did not see your husband that night?
A. No.

Q. What happened at the State Police Barracks that night, that Sunday night? A I talked to Lieutenant Rome.

Q. Yes. A. And then they took me back into another room.

Q. And who was in the other room? A. And there was - three or four of them.

Q. What's that? A. There was two or three of them in there.

Q. How long did Lieutenant Rome talk to you?
A. About ten or fifteen minutes, maybe.

Q. Then they took you into another room with two or three other policemen? A. Yes.

Q. What happened in that room? A. One of them tried to get smart, he tried to give me the third degree.

Q. He tried to give you the third degree? What was the conversation? What did you say to that when they tried that? A. I just told them that they wouldn't get away with it.

Q. They wouldn't get away with it? A. Not with me they don't.

Q. Just what happened? A. I told them that I wanted to go home because my children were alone. I said if they didn't let me out I was going to walk out and walk home. They still kept me there.

Q. Then what happened? A. I said if they didn't let me out I'd scream the building down.

Q. Then what happened? A. They finally did let me go.

Q. How long were you kept at the barracks that night? A. I'd give it a good two hours.

Q. Did they bring you to police headquarters again?
A. Yes.

Q. How often have they brought you to State Police Headquarters while your husband was held there?
A. Close to two weeks.

Q. Close to two weeks? By that do you mean once every two weeks or once a day? A. No, every day.

Q. Every day they brought you there for two weeks? Did they bring you there - question withdrawn. There has been testimony about your being there on a Tuesday night?

A. Yes, I might have been. I don't remember days or places or times.

Q. But you put it this way, that you were brought there every day? A. Yes.

Q. Was there one night that you were there and Joanne and the little baby were there? A. That's right.

Q. Do you know whether or not that was on a Tuesday night? A. No, I don't recall.

Q. But you and Joanne and the little baby were there on one night? A. Yes.

Q. Tell His Honor just what happened that night. When they came after you whether or not you wanted to go.

A. I didn't want to go, no.

Q. Tell His Honor how it started, your going there?

A. You got me all confused now.

Q. Don't be confused, just take your time.

A. I don't know what day you are referring to.

Q. How many nights did they bring Sandy and Joanne there with you? A. About two nights. Sandy was always with me.

Q. Sandy was always with you? A. Yes.

Q. The baby? A. Yes.

Q. Do you remember the other night - that's withdrawn. Was there one night the police came to your house that Sandy was sick and you were afraid that she was going into convulsions? A. Yes, sir.

MR. BILL: I object to that, Your Honor. He is testifying.

MR. McDONOUGH: I was trying to refresh her recollection.

MR. BILL: I don't think that is fair.

MR. McDONOUGH: I will withdraw it and reframe it.

THE COURT: All right.

Q. Was there a night that you brought Sandy and Joanne with you? A. That's right.

Q. About that one night that you are now telling us, will you tell us about it in your own way, what they said when they came to your house? And what you said to them.

A. I can't recall what they said but I know that I didn't want to go.

Q. Why? A. I didn't see no sense in dragging me and the children down there. It didn't make no sense to me at all.

Q. Dragging you and the children down? A. No, I didn't.

Q. Did you object to going? A. Yes, I did.

Q. Besides not making sense to you did the baby's health have anything to do with it that night?

A. It could have been that night, I am not sure.

Q. What night was the baby's health in question?

A. I think that is was on a Wednesday.

Q. Do you remember the afternoon that Arthur came down, the afternoon that he signed the papers? A. Yes.

Q. To refresh your recollection, was it the night before he signed the papers that this happened? A. That the baby was sick?

Q. Yes. A. No.

Q. It wasn't that night -

MR. BILL: Now, Your Honor -

THE COURT: She said that it was Wednesday night.

Q. Tell us about that night, regardless of what night it was. A. Well, two of them, I don't know which ones, and Miss Murtha had came in. I told them that the baby was sick and that I just didn't want to go.

Q. Miss Murtha is a state policewoman? A. Yes, I know. But the baby was sick and I had nobody to leave her with and I didn't want to take her with me and I didn't want to leave her alone. They wanted me to leave her with my thirteen year old girl, a sick baby with a thirteen year old girl. I went down anyway to keep them off my neck.

Q. To keep them off your neck? A. We got in there. I did not see my husband at the time.

Q. You did not see your husband? A. No, they kept giving me the run around, saying that they were taking ballistic tests or something, and I did not see him. The baby was getting sicker all the time.

Q. In the barracks? A. In the barracks. I went to Miss Murtha and I said "The baby is sick. I want to go home." They still gave me the run around.

Q. They still gave you the run around? A. And I got mad and I really landed.

Q. You got mad and really landed? A. Yes, I did. They finally got me home.

Q. How long did they keep you there that night?
A. They kept us there two or three hours.

Q. Did you see your husband the next day?
A. I don't recall.

Q. Did you see him at all? A. I might have seen him the time I told him the baby was in the hospital.

Q. Where did you see him? A. Downstairs.

Q. Downstairs? Was that in the barracks, you mean? A. Yes.

Q. Now, at any time did they allow you to talk to your husband in the State Police Barracks outside of downstairs in the cell? A. No.

Q. There has been testimony here by the State Police that in the barracks, in the presence of policemen, that you said to your husband you would press the button in the electric chair. A. Yes, I did.

Q. Did you say that in the barracks? A. No.

Q. Where did you say that? A. At home.

Q. And that was in a conversation with your husband? A. Conversation between the two of us.

Q. If he committed those murders that you would press the button yourself? A. Yes, I did.

Q. And that was not in the presence of any police officer? A. No.

Q. They have testified that that happened in their presence. That did not happen in their presence? A. No.

Q. But did you tell them that you said that? A. Yes, I did.

Q. You told them that? A. Yes, I did.

Q. That was before he was arrested? A. That was before.

Q. When you were talking with him? A. Yes.

Q. Why did you say it? A. Well, I am thinking in terms of that fourteen months old baby left alone in the car. I have a five year old daughter of my own and if anything like that happened I'd be out after them, too.

Q. You were talking these murders over with your husband? A. Yes, I was.

Q. And what was it that you said? A. I said that if he had anything to do with them murders I would like to be there and press the button myself.

Q. What did he say to you? A. He didn't answer me. He didn't say a word.

Q. He didn't say a word? A. No.

Q. But as has been testified by the State Police, you never made any such statement in their presence? A. No. I had told them what I said to my husband, but I made no statement.

Q. The treatment that you testified to - I'll strike that word "treatment" out. What happened to you in the State Police Barracks and your being brought against your will to the barracks and being held against your will, as you testified, did that have any effect on you? A. Yes, I was a nervous wreck.

Q. You were a nervous wreck? A. I didn't know whether I was coming or going.

Q. Did you see your husband briefly for a moment downstairs one night in the barracks? A. Yes.

Q. And is that before he signed the papers? A. It must have been.

Q. Were you upset that night? A. Yes, I was.

Q. And were you so upset that you know your husband could have seen it? A. Yes.

Q. Were the babies, or a baby with you that night?
A. Yes, she was.

THE COURT: Cross examination. Mr. Bill.

MR. BILL: Yes.

CROSS EXAMINATION BY MR. BILL:

Q. When was it you talked to your husband about suspecting or telling him that you had this suspicion - the first time? A. That was just over the dinner table - reading the newspaper.

Q. Do you remember after what killing it was?
A. No, I don't.

Q. It was after a few of the killings in Hartford County? A. Yes.

Q. What was it you told him about being mixed up in a thing like this? A. I didn't know that. It was just a matter of conversation.

Q. You suspected him, did you not? A. No, I didn't.

Q. You didn't suspect him? A. No.

Q. As a matter of fact, you remember the North Haven killing, don't you? A. Yes, I do.

Q. You had a TV set that night? A. Yes, sir, that is right.

Q. And you were watching TV and it came over TV - an announcement of these killings? A. Yes.

Q. And right after that Taborsky and your husband came into the house, isn't that right? A. Yes.

Q. And you put it right up to them that you suspected they did these killings? A. I did not suspect - I just asked them where they had been, that is all I did.

Q. That is all you did? A. Yes.

Q. I show you three pages, Mrs. Culombe, typewritten, dated March 1, 1957 and ask you to look those over and see if you recognize them? A. Do I have to read them?

Q. Yo do anything you want so you will be able to tell us whether you recognize those pages.

MR. McDONOUGH: May I have that read - I didn't get it?

THE COURT: Yes, read it.

(The reporter read the last question and answer.)

A. Yes, I have.

Q. The answer is yes. That is a statement, is it not, that you made to the Police at Police Headquarters?
A. Yes, sir.

Q. That is your signature, isn't it? A. That is right.

Q. Now, about this North Haven matter I just questioned you about one night - I am reading to you.

MR. McDONOUGH: I object.

THE COURT: That hasn't been marked.

MR. BILL: I am asking if she said this. I will have it marked, but I think I can read it and ask if she made that statement.

THE COURT: This will be State's Exhibit AA for identification.

(Three sheets of typewritten statement marked State's Exhibit AA for identification.)

Q. Now, I am reading from this State's Exhibit AA for identification, Mrs. Culombe: "One night I was sitting watching TV -"

MR. McDONOUGH: Just a moment, I object.

THE COURT: Let him finish.

Q. "- with my thirteen year old daughter, Joanne, watching Channel 18 and the program was interrupted for a special bulletin and the bulletin was about another shooting in North Haven in a shoe store. Joe and Art, my husband, had gone out after supper that night and came back into the house about five or ten minutes after the bulletin. This was the first news I had heard of the North Haven murder and I had had the TV set on since about four P.M. that afternoon. When the two men came into the apartment I asked them where they had been and told them I wanted the truth about the bulletin I had just heard . . . ."

MR. McDONOUGH: I would like to be heard.

Q. "They told me the car had broken down and that they had to get a push or a wrecker or something like that . . .

MR. McDONOUGH: May I have an exception?

A. Yes.

MR. McDONOUGH: Just a moment. I will move to strike out the answer.

THE COURT: The answer may go out. Go ahead.

MR. McDONOUGH: I object to the State's Attorney questioning the witness on an exhibit that is only marked for identification. He is cross examining from something - an exhibit - not in evidence. Secondly, it is not in line with the direct examination, but the most obvious and damaging basis is the fact that it is not in evidence.

MR. BILL: Well, of course, I am testing her credibility. I can ask her if she made a statement on that date and I can read from it whether it is in evidence or not to test her

credibility, whether it is beforehand or after. That is what this is for. It is perfectly within the rules of evidence.

MR. McDONOUGH: He cannot examine her on something not in evidence. There is no statement in evidence, Your Honor. The State's Attorney says he is questioning her on a statement she made. There is no statement in evidence.

THE COURT: The point of your comment I understand, but he is asking her this question - do you recall this statement.

MR. McDONOUGH: No, Your Honor, he is reading from something marked for identification.

THE COURT: I know what you say, but his question is - I am reading from this statement and he finishes his question by saying - do you recall that statement. He is asking her whether or not she made that statement which he says he is reading from as AA for identification. I will allow it.

MR. McDONOUGH: May I have an exception?

THE COURT: You may. Do you remember it?

A. Yes.

Q. Will you answer the question?

THE WITNESS: I just did - yes.

THE COURT: Yes is the answer.

Q. Why did you ask your husband to tell you the truth about this North Haven shooting? A. I didn't ask him about that - I just asked him where he was - I didn't ask him nothing about this.

Q. But you just said you did ask him that question.
A. I did not.

Q. But in this statement you agreed to you said, "I asked them where they had been and said you wanted the truth." What did you want the truth about? A. I wanted the truth about where they were.

Q. That you had just heard about this killing? A. Yes.

Q. You were suspicious, weren't you? A. No, sir.

Q. Why did you ask them where they were and wanted the truth? A. I have a right to ask my husband where he was.

Q. Is that the way you want to leave it? A. Yes.

Q. You told your husband at the State Police barracks that he had better tell the truth because they had enough on him, didn't you A. Yes, I did.

Q. Why did you tell him that? A. Because that is what they were telling him at the State Police.

Q. And they told you what they had? A. No, sir, they didn't.

Q. You didn't know? A. No.

Q. You knew what they wanted you for was about these guns? A. They mentioned no guns to me.

Q. Didn't they ask you about guns? A. They asked about it but I knew nothing about them.

Q. That is what the talk was about? A. There wasn't too much talk about it.

Q. There was a lot of talk about Taborsky and how many times he had been to your house? A. Yes.

Q. And you told them you never saw him there when they first talked to you? A. Yes.

Q. And that wasn't the truth? A. No, it was not.

Q. You later testified and told them about every weekend he had been there? A. Yes.

Q. And that was the truth that you had seen him there every weekend? A. Yes.

Q. That was the time you appeared after that?
A. Yes.

Q. Didn't you get suspicious then? A. No.

Q. Didn't you tell your husband you didn't mind holdups but murder was something else? A. As a matter of conversation, yes, between the two of us, yes.

Q. When was that between the two of you that you said that? A. I don't remember.

Q. During the investigation, wasn't it? A. No, it wasn't.

Q. It was during these reports of these killings?
A. Yes.

Q. And you got concerned about those, didn't you?
A. Well, who wouldn't?

Q. Why should you get concerned about it? A. I have a five year old girl at home.

Q. I mean about your husband and that he might be mixed up in them? A. I didn't think that.

Q. Isn't that why you questioned him on them?
A. It was a matter of conversation sitting there over supper.

Q. Who are you talking about when you said you didn't mind holdups but murder was another thing?

A. It was just a matter of conversation - just sitting and talking over supper.

Q. Isn't it so that you warned him? A No, I wasn't warning anybody.

Q. You didn't suspect him at all? A. No, I did not.

Q. You didn't want Taborsky around there, did you?
A. Well, I didn't like the idea too much.

Q. And he was up there about every weekend?
A. Yes.

Q. He stayed with you that Friday night of the ice-storm, is that so? A. I don't remember if he did or not that Friday night.

Q. Let me see if I can refresh your recollection from State's Exhibit AA for identification.

MR. McDONOUGH: I object again. It is a flagrant violation of the rules on examining from something that is not in evidence. The State's Attorney admits that.

THE COURT: There is nothing for me to rule on now except your objection and I overrule it.

MR. McDONOUGH: Let us be frank about this matter, Your Honor. I have never believed that things don't get back to the jury. I have been practicing too long and I know that these matters get into the papers and get back to the jury.

THE COURT: I can't help that, We have rules of law to go by.

MR. McDONOUGH: I have the right to object to the State's Attorney reading from something that is not in evidence. May it be read so that I will know what I am talking about?

(The reporter read the last question.)

MR. McDONOUGH: The reason I am objecting at

this time, if the Court please, is because he states what he is looking at is in evidence. He is allowed to tell her.

THE COURT: Overrule the objection.

MR. McDONOUGH: Exception.

THE COURT: An exception is noted.

Q. Mrs. Culombe, reading from State's Exhibit AA for identification: " On the weekend of the bad ice storm in Hartford when the street lights were out on Flatbush Avenue, Joe Taborsky came over to our house on Friday night at about eight P.M. or after. I asked him what he was doing out driving on a night like that. Joe told me that he liked driving in that kind of weather. He told me that he had been over at his mother's house that night. Joe stayed overnight that night, sleeping on the couch in the living room." Do you remember that?

MR. BURKE: Pardon me, I object to this question. I know Your Honor has ruled that it has no standing in this matter, but I believe in this case it does. Mr. Bill undoubtedly will question Taborsky and ask whether he heard her testify to this, and so on, and will attempt one way or the other to tie it in and thereby it will be used against him, and I want to object. I don't think it is within the scope of the direct examination and goes far beyond the ruling of the Court.

THE COURT: I will overrule the Objection. Will you answer the question?

THE WITNESS: I still don't recall whether he said he stayed overnight or not. If they have that in that statement, I still say the same thing. I don't recall if he stayed overnight that night. If he did, I don't recall it.

Q. Didn't you from the time your husband was picked up and taken to Police Headquarters say you didn't want

to see him during that time? A. I was very upset that night.

Q. What was that? A. I was very upset and nervous that night.

Q. I am not asking you that. I mean over that time - Saturday to Sunday? A. They wouldn't let me see him.

Q. You wanted to see him didn't you? A. Well, I would have seen him if they let me.

Q. And that is the reason you --

MR. McDONOUGH: She should be allowed to finish her answer.

THE COURT: Between all three of you, or among all three of you, to be grammatical, it is hard for all of us to follow. Would you read what you have, Mr. MacGlashan?

(The reporter read the last question and answer.)

Q. That is the reason they took you over to Headquarters on Sunday - and other times - they took you over there to see your husband? A. To see him, but I never got to see him.

Q. But that is the reason they took you over there? A. Yes.

Q. I think you testified to Mr. McDonough that they forced you to go over there and dragged you over there? A. I went to get them off my neck.

Q. But you say they dragged you and forced you to go over there? A. No, they didn't force me.

MR. McDONOUGH: I didn't get the question and answer.

THE COURT: I will try to instruct the witness - and Mr. Bill shouldn't need the instruction. Wait until he fin-

ishes his question, and if you don't understand it, say so. Will you read what you have, Mr. MacGlashan?

(The reporter read the question and answer.)

THE COURT: Go ahead.

Q. You said you were over there - was it about every day - for two weeks? That isn't so, is it? A. It certainly is.

MR. McDONOUGH: The State's Attorney is telling her something that isn't so. I object to the form of the question.

THE COURT: Overruled.

MR. McDONOUGH: Exception.

THE COURT: Read the question, Mr. MacGlashan.

(The reporter read the question and answer.)

Q. You mean from Saturday night, February 23 when your husband was first taken over to the Police Headquarters - the State Police barracks - for two solid weeks you were over at State Police barracks? A. Yes.

Q. And you were over there even after he confessed? A. Yes, I was, but I didn't know he confessed.

Q. Where did you hear it?

THE COURT: I want to hear it. There was one remark there when she was interrupted.

(The reporter read the answer.)

THE COURT: Go ahead.

Q. When did you learn that? A. Frankly, I didn't.

Q. You say you didn't learn it? A. No.

Q. You never learned it? A. No.

Q. You don't know it now? A. Now I know it, yes.

Q. When did you first learn it? A. When this trial started.

Q. You don't read? A. Certainly I read.

Q. The reason that I ask you is that your husband says he doesn't read. A. That has nothing to do with me.

Q. That is why I am asking you if you do. All right. You say you do read the newspapers? A. Yes, I do.

Q. And didn't you hear it was reported he confessed?
A. Yes.

Q. Did you read it? A. Certainly I read it.

Q. Then you knew it then, didn't you? A. Yes, but I didn't know it at the time.

Q. Well, you got the paper at the time he confessed or the next day, didn't you? A. I am not sure I did. I didn't start the paper stories until they started the jury trial.

Q. You mean that he confessed on a certain night and you didn't learn it that night? A. Yes.

Q. What did you mean when I asked you when you first learned and said when the trial started? A. That is right, when the jury was started - they started picking the jury.

Q. That is the first time you knew of a confession?
A. Yes.

Q. Didn't you read it in the papers? A. I wasn't getting the paper at the time.

Q. Didn't your neighbors talk to you about it?
A. No.

Q. You say that you wanted to see your husband while he was over at State Police Headquarters? A. Yes.

Q. How many times have you been down to the Hartford County Jail to see him? A. Once.

Q. While he has been there, once, and you know if you wanted to you could have gone down there many times on visiting days? A. I know that.

Q. Why haven't you done that? A. Because I was so nervous and upset at the time I felt that I didn't want to see him.

Q. You washed your hands of him when he confessed, didn't you? A. No, not exactly.

Q. Not exactly? A. I was nervous and upset and I just felt that I didn't want to see him at the time.

Q. You wanted to see him for some time there, and all of a sudden you didn't want to see him. Wasn't that because he confessed? A. No.

Q. What was it that you changed your mind and didn't want to see him? A. Because they kept bothering me all the time and I was nervous and upset.

Q. And you want to let that be your answer?
A. I just wanted to be left alone.

Q. As a matter of fact, those times that you went over to State Police Headquarters, you wouldn't go over there unless you took the children, would you? You wouldn't leave them alone? A. I wouldn't leave them alone.

Q. And that's why they went over there, isn't it?
A. Pardon?

Q. That's why they were there at police headquarters, to be with you? A. To be with me, yes.

Q. Now, all the time that you were there at State Police Headquarters Miss Murtha was there, the State policewoman, wasn't she? A. That's right.

Q. And you found her to be a nice lady, didn't you? A. She was very nice.

Q. She was very nice to you? A. Yes, she was.

Q. All the time? A. Yes.

Q. And she stayed right with you all the time, didn't she? A. Yes, she did.

Q. And as a matter of fact when you told about your little baby Sandy being sick, it turned out that she had the mumps, didn't it? A. Yes.

Q. And didn't Miss Murtha help you get her over to the hospital? A. She told me when she left me that if I needed help, to call back.

Q. And you called her, didn't you? A. Yes, I did.

Q. In other words, the little girl, when she became ill, Miss Murtha had taken you home, hadn't she? A. That's right.

Q. And didn't Miss Murtha leave word with you that even though that might be in the evening she would give you her personal telephone number and she would come down and help you to get the baby into the hospital if you wanted to go to the hospital? A. That's right.

Q. That's right, isn't it? A. Yes.

Q. And as a matter of fact she did come down there and she did get the baby and take her over to the hospital, the Hartford Hospital, is that right? A. That's right.

Q. And you couldn't get in there? A. No.

Q. And you went over to McCook Hospital?
A. That's right.

Q. She was pretty nice to you, wasn't she?
A. Yes, she was.

Q. And you knew that she had been a nurse, a registered nurse before she became a state policewoman, didn't you? A. Yes.

Q. Well, you were all upset because your husband had gotten you into this mess, isn't that so? A. Yes.

Q. And he told you that he would like to confess, but if a man went along on a killing, although he didn't do it, he'd be just as guilty as the other fellow? He told you that, didn't he? A. I don't recall him saying that.

Q. You don't recall him saying that? But he told you that it was a hard decision to make whether to confess or not, didn't he? A. Yes.

Q. And you were urging him to tell the truth?
A. No, I wasn't.

Q. Didn't you ever tell him to tell the truth?
A. Yes, I did. Once, yes.

Q. And you wanted to have him? A. Pardon?

Q. You wanted to have him tell the truth, didn't you?
A. Yes.

Q. And there has been some testimony here that you were taken into the room where Taborsky was?
A. That's right.

Q. And you threw your pocketbook down and charged at him. Did you do that? A. Yes, I did.

Q. What did you do that for?

MR. McDONOUGH: I object, Your Honor.

MR. BURKE: I object.

THE COURT: I will sustain the objection and strike out the answers. It is irrelevant. I can't tell the jury to disregard it but I will disregard it.

Q. The reason that you were a nervous wreck and didn't know whether you were coming or going was because your husband was being charged with murder, that is it, wasn't it? A. Yes.

MR. BILL: That's all.

THE COURT: Anything further, Mr. McDONOUGH?

MR. McDONOUGH: May I see that exhibit, Mr. Bill?

THE COURT: And that Exhibit is AA, for the record, is it not?

MR. McDONOUGH: Yes, Your Honor.

THE COURT: For identification.

MR. McDONOUGH: May I look at it for a moment, Your Honor?

THE COURT: Surely.

REDIRECT EXAMINATION BY MR. McDONOUGH:

Q. Mrs. Culombe, these three pieces of paper marked State's Exhibit AA, for identification, that Mr. Bill showed to you, that is your signature on there, isn't it? A. Yes.

Q. And do you notice that Miss Murtha is on there as a witness? A. She didn't put that on until after I signed it.

Q. Yes, but that is the lady that Mr. Bill has emphasized is such a good friend of yours?

MR. BILL: Just a minute. I think the witness emphasized it.

THE COURT: I will sustain the objection anyway.

Q. That is the lady that Mr. Bill has asked you whether or not she was very nice to you, isn't it? A. Yes.

Q. Did you know that that lady is a police officer and was doing that not as a friend but as a police officer?

MR. BILL: Objection.

A. Yes, I did.

Q. You did know? A. Certainly.

THE COURT: I will sustain the objection. The answer may go out.

Q. Now, this was signed on March 1st, Mrs. Culombe, wasn't it? It is dated March 1st, at 3:45 p.m. Now, you talked to me shortly after I was appointed by the Court as your husband's lawyer, didn't you? A. That's right.

Q. At your home? A. That's right.

Q. Is that the only time that you talked to me up until yesterday in this courtroom? A. That's right.

Q. Now, I talked to you the Saturday after your husband was arrested and formally charged with the murder, and - A. On a Sunday.

Q. That's right. I was at your house before that but you weren't at home.

Q. Was this statement signed by you after you had talked to me? A. Yes, I believe that it was.

Q. Do you recall - question withdrawn. Who asked you to sign this statement? A. I think that is was Officer Moran.

Q. Officer Moran? Did he know that your husband had an attorney at the time that he asked you to sign this?
A. No, I don't know.

MR. BILL: Objection, Your Honor.

THE COURT: I am going to let it stand. She said "No, I don't know."

Q. It was after I became your husband's attorney that the State policeman Moran had you sign this statement?

MR. BILL: Objection, Your Honor. There hasn't been testimony as to when he did become his attorney.

THE COURT: I will sustain it.

MR. McDONOUGH: I think that it is a matter of record.

MR. BILL: You weren't appointed until later in the week.

MR. McDONOUGH: I was appointed on a Friday. The witness has testified that she signed this after I was appointed.

THE COURT: That's the evidence.

Q. Did you know, or did you think the purpose of the police in treating you, or their treating you, was out of friendship, or you try to get your husband to talk?

A. I didn't like it. I knew it was their job.

Q. You knew it was their job but you didn't like it? Why didn't you like it? A. Who would like to be dragged down there every day?

Q. You were dragged down? A. I wasn't dragged. I am using the expression.

Q. You mean that you were brought down? A. Yes.

Q. Against your will? A. Yes.

Q. Mr. Bill questioned you about this statement and he read parts of it to you, and you said in answer to one

of the questions in regard to this statement, "If they have that statement down I told them the same thing I am telling you. They put that down." Do you mean by that you - what you told them is what you told in court, isn't that so?

A. I don't quite follow you.

THE COURT: The Court followed it. That was her testimony.

Q. Did you read this statement before you signed it? A. Yes.

Q. Are these words your words or are they some police officer's words? A. They are mine.

Q. They are your words? Now, you talked to your husband at the county jail, didn't you? A. Yes.

Q. And you were brought there, oh, a matter of a month ago after he had been put to plea and charged with murder? A. That's right.

Q. And you were brought there by a state police officer? Miss Murtha, weren't you? A. Yes.

Q. Were you allowed to talk to your husband alone or did she sit in the room with you while you were talking to him? A. She sat with me.

Q. She sat with you all during the conversation?

A. That's right.

Q. Now, you were asked about when you knew about the confessions, and Mr. Bill asked you whether or not you didn't talk to the neighbors about finding out about the confession. Did you mingle with your neighbors after this broke in the papers? A. No, I did not.

Q. You stayed by yourself? A. That's right.

Q. And as you told the State's Attorney and the

Court, you have been very much upset over this. haven't you? A. Yes, I have.

Q. And you were upset by the fact -

MR. BILL: Objection Your Honor. He is cross-examining and leading.

MR. McDONOUGH: I will withdraw it. We won't argue about it.

Q. Were you upset by the constant questioning of the police?

MR. BILL: Objection.

MR. McDONOUGH: I think that she has answered already.

THE COURT: She has, Mr. McDonough.

MR. McDONOUGH: That's all.

THE COURT: Now, Mr. McDonough this lady is here because you requested the Court to issue a capias, and the Court feels that she has complied with all of its orders.

MR. McDONOUGH: I think so.

THE COURT: And she is now discharged as far as the Court is concerned from that capias.

MR. McDONOUGH: And as far as Mr. Culombe is concerned.

THE COURT: As far as the Court is concerned.

MR. McDONOUGH: Yes, from capias.

THE COURT: You may step down.

MR. McDONOUGH: She is just under subpoena and the subpoena still stands. May I state this, Mr. Burke told me that he wants Mrs. Culombe.

THE COURT: I think that Mr. Burke will have to stand on whatever his rights are. As far as the Court is concerned, it issued a capias at your request because of the refusal of the lady to come. She has now complied with the Court's order and the capias is dissolved.

MR. McDONOUGH: And I am satisfied.

THE COURT: Thank you, Mr. McDonough. And the Court is, too. I am going to take a ten minute recess, and when I say ten minutes, Sheriff, this time I mean ten minutes. I want to get back on regular schedule as nearly as I can. Escort the accused from the courtroom.

(Accused escorted from courtroom)

THE COURT: Ten minutes recess, Sheriff.

(Recess at 11:45 A.M.)

AFTER RECESS - 12:08 P.M.

THE COURT: All right, bring up the accused, Sheriff.

The record should show, Mr. McDonough, that you have finished except for the reception of this mittimus and two other short witnesses, is that correct?

MR. McDONOUGH: Yes, Your Honor.

THE COURT: All right.

(Accused present in the courtroom.)

MR. BILL: May it please the Court, I would like to have marked as an exhibit for identification the proceedings in the Superior Court here in case number 21,654, State versus Arthur Culombe, Superior Court, County of Hartford, February 28, 1957 before Honorable Abraham S. Bordon, Judge. That was a hearing that transpired in connection with the Culombe case on that date.

THE COURT: Is this marked as a full exhibit or BB for identification?

MR. McDONOUGH: I understood we were keeping the evidence in for identification.

THE COURT: Double B for identification.

(Court proceedings in re: Culombe 2-28-57 marked State's Exhibit BB for identification.)

MR. BILL: I would also like to present as an exhibit for identification the proceedings before Judge Bordon in case number 21,655, State versus Joseph L. Taborsky, held in the Superior Court, County of Hartford, February 28, 1957, and asked that it be marked.

THE COURT: It may be marked CC for identification.

(Court proceedings in re: Taborsky, 2-28-57 marked State's Exhibit CC for identification.)

MR. BILL: Lieutenant Rome, please.

SAMUEL ROME, previously sworn, recalled as a witness on behalf of the State.

DIRECT EXAMINATION BY MR. BILL:

Q. Lieutenant, you were here and appeared before the jury in this case and testified as to your part in the investigation of both Culombe and Taborsky, bringing it down, I think, to Wednesday. We have just developed the matter in the case of Culombe. Now, taking up the matter of Joseph Taborsky, I think you testified that he was sent to the Hartford County Jail on Tuesday night, is that correct? A. That's correct.

Q. And that was February 26th? A. 26th, is right.

Q. Now, whether or not you saw Taborsky the next

day, Wednesday, the 27th? Was he brought to Police Headquarters? A. I don't believe he was.

Q. The 27th - Wednesday the 27th? A. No, sir, I don't believe he was.

Q. All right. Now, did he remain in jail during that day as far as you know - all day Wednesday? A. As far as I know, yes, sir.

Q. And whether or not you saw him on Thursday the 28th? A. Yes, sir, I did.

Q. And under what circumstances? A. I went to the jail.

Q. When was this? A. Early in the morning - somewhere around nine o'clock.

Q. Accompanied by anybody? A. County Detective Eddy Matus and another officer.

Q. You don't remember his name? A. Not at this moment.

Q. And what happened? A. We took Joseph Taborsky from the County jail. We stopped in front of the Hartford Courant newspaper and showed it to Taborsky and we went on from there to State Police Headquarters.

Q. When did you get to State Police Headquarters - or when you got there where did you go? A. I don't know where I immediately went, but eventually I took Joseph Taborsky to the interrogation room on the third floor in our Detective Division.

Q. And how long were you there? A. Probably better than half an hour.

Q. And what took place there? Who was there?
A. County Detective Eddy Matus.

Q. And what took place? A. I had Culombe brought into the room also.

Q. And what happened? A. I asked Arthur Culombe to tell me what he had - in the presence of Joseph Taborsky - what he had told us the day before.

Q. And what did Culombe do? A. He told us he was involved in these several incidents.

Q. He said to you? A. He told me in the presence of Taborsky and County Detective Eddy Matus. I am of the opinion that Detective O'Brien was there too.

Q. Go ahead. A. And he had told us that it was Joseph - that he was with Joseph Taborsky when they drove to New Britain looking for a place to holdup.

MR. BURKE: I object to this.

THE COURT: What do you object to?

MR. BURKE: As I understand it, it is not admissible. Taborsky was under arrest at the time, and the only purpose it would have been admissible, if at all, would be to show the conduct or the action of Taborsky at the time the statement was made.

THE COURT: I will overrule the objection.

MR. BURKE: I have some cases, I thought -

THE COURT: If you have a case you want me to read I will do it.

MR. BURKE: This is the case of State against Wakefield, 88 Conn., page 164, 170. "Statements made by one of two persons accused of crime respecting the partake in its commission by the other, are mere hearsay and inadmissible in evidence against the latter unless uttered in his presence and hearing, and even then are not evidence of the truth of the facts stated, but are only receivable for the

purpose of showing that his conduct or demeanor, in the face of such statements, was inconsistent with the claims of innocence made by him on his trial."

MR. BILL: I think the leading case is State versus Ferrigno, and as I remember that case, it all comes up on the question of when a man is in custody and something is said to him and he remains silent. Then it is not admissible because his silence cannot be used against him, because under the Constitution he has a right not to speak; and I am not introducing this for that purpose - to show that Taborsky remained silent, and that is the whole theory of the Ferrigno case - that his silence should not be used against him, and I am not claiming that. The testimony will bear it out. I was just putting it in to show the sequence of what happened and I am not claiming that any thing resulting from this as far as Taborsky was concerned was in anyway damaging to him.

THE COURT: Of course, this is a hearing to determine whether or not, I suppose, a confession, which I understand will be offered, was voluntary or involuntary.

I will overrule the objection and you may have an exception.

Would you read the answer as far as it went?

(The reporter read the answer.)

THE COURT: Go ahead, Lieutenant.

A. And that Culombe was driving a 1949 black Oldsmobile. The roads were slippery and that they had passed a gasoline station on Stanley Street and Taborsky told him to turn around and drive into that station. They did drive in and Culombe ordered some gasoline and paid for it and used a two dollar bill, and Taborsky went inside the station, and that Culombe remained outside and Taborsky met the attendant when he was going in, held up

the attendant, forced him to go into a room, and he heard a shot, and Taborsky started to search this gasoline station. Culombe was still outside when a car drove in, he thought, to get some gas and that -

MR. BURKE: May I object again. I can't see how this is relevant as to whether or not this confession, so-called, of Taborsky is voluntary.

THE COURT: You may object. Is that the reason for your objection?

MR. BURKE: Yes.

THE COURT: I will overrule the objection.

MR. BURKE: Exception, Your Honor.

THE COURT: Yes. Go right ahead.

THE WITNESS: And that Taborsky came out of this station, told Culombe he was crazy for talking or trying to service this car and Taborsky ordered this man into the toilet in this gasoline station, where he shot him. He says they then left and went to Hartford in Culombe's car.

Q. Did that complete the telling of the New Britain incident? A. Pretty much so, yes, sir, at that time.

Q. Now, that same morning you are describing now, whether or not there were other incidents that were told by Culombe to Taborsky? A. Yes, sir.

MR. BURKE: That is objected to as irrelevant. It affects the voluntariness of the confession.

MR. BILL: I understand the question came up of what was done at the conferences and what took place, and I am doing this only to cover the ground as best I can and cover what took place there, and presumably one statement would be different from the other. It might have a bearing on how long they were there. It has no significance against Taborsky.

other than the element of what was done, and I understand that is what we are interested in in this hearing.

THE COURT: For that limited purpose I will admit it.

MR. BURKE: May I have an exception?

THE COURT: You may have, Mr. Burke.

Q. When these statements were all over did Taborsky respond in anyway? A. Yes, sir, after I asked Mr. Culombe whether or not he had given us the statement voluntarily without threat, promise or force of any kind, which Culombe said he did, Taborsky says, "I don't know what he is talking about."

Q. Did that complete that conference? A. Yes, sir.

Q. And what happened as far as Taborsky was concerned?

MR. McDONOUGH: Just a moment. I understand, Your Honor, that none of this testimony is being used against Culombe - that Culombe has been finished?

THE COURT: That is right.

MR. BILL: That is right.

THE COURT: Read the last question and answer, if there was one, Mr. MacGlashan.

(The reporter read the last question.)

A. Taborsky was - I think he was taken down to the barracks.

Q. That is, you were at Headquarters? A. Yes, sir, we were at Headquarters.

Q. And you say the barracks - is that in the same building? A. Yes, sir, where our cell block is.

Q. And later did you see Taborsky? A. Yes, sir.

Q. And under what circumstances? A. I was ordered to have him here in court.

Q. In the Superior Court? A. In the Superior Court.

Q. In connection with what? A. With the murder case, and was given a bench warrant to serve on him.

Q. That is as far as Taborsky was concerned?
A. Yes, I arrested him with the bench warrant and had him here, in court.

Q. That was a bench warrant issued - the one in this case, is that correct? A. Yes, sir.

MR. BILL: I understand Your Honor can take judicial notice of the file in this case?

THE COURT: I will do it.

MR. BILL: And also if it appears under the heading of another case, I assume your Honor would have the right to take it -

THE COURT: I understand, that is the authority if it is called to my attention.

Q. Now then, did you appear here in Superior Court?
A. I did.

Q. And you were a witness here, were you not?
A. Yes, sir.

Q. And both Culombe and Taborsky were presented before His Honor, Judge Bordon? A. Yes, sir.

Q. And that was Thursday morning, February 28th?
A. Yes, sir.

Q. Now, I ask you to look at State's Exhibit CC for identification, which represents the court proceedings over

here that morning, and ask you to look that over and see if you remember what took place.

MR. BURKE: If Your Honor please, do I understand the witness has no independent recollection of what took place?

THE COURT: I haven't any idea, Mr. Burke.

MR. BURKE: I will object to it as refreshing his recollection until it is ascertained.

Q. What took place over here, Lieutenant?

MR. BURKE: I object to this, Your Honor. It violates the best evidence rule. The best evidence of what took place here is the proceedings themselves.

MR. BILL: I will stand on the proceedings if that is the way you want it.

Q. As a result of the proceedings over here, was Taborsky delivered to you under an order of the Court? A. Yes, he was.

Q. And do you remember substantially what that order was? A. It was an order to the Sheriff to make available Joseph Taborsky to Commissioner John Kelly, the State Police Commissioner, for further investigation in these cases.

Q. And to return him to the jail at any time that he wanted to, do you remember that? A. Yes, sir.

Q. Now, what did you do in connection with Taborsky as a result of the termination of these preceedings here in court? A. We took him to the barracks where he was fed.

Q. What happened then? A. He was later that afternoon returned to the Hartford County Jail.

Q. And that would be Thursday, February 28th? A. Yes, sir.

Q. In the afternoon, when we went down to the Hartford County Jail, is that correct? A. That is, yes, sir.

Q. Now, when is the next time that you saw Joseph Taborsky, do you remember? A. The following day about five p.m. or thereabouts.

Q. To your recollection was Joseph Taborsky brought over to headquarters again from the time that he was sent down to the jail or committed to the jail on Thursday afternoon until Friday at the time that you have stated? A. No, sir, he was not.

Q. At least you didn't see him? A. That's right.

Q. Now, prior to seeing Joseph Taborsky on Friday afternoon, as you stated, did you talk to somebody on the telephone? A. Yes, sir.

Q. I don't want the conversation, but did you talk to somebody? A. Yes, sir.

Q. And with whom did you talk? A. Mrs. Joseph Taborsky, the mother of the accused.

Q. And did you call her or did she call you?

MR. BURKE: I am going to object to this. It is all leading, Your Honor.

THE COURT: I will overrule it.

MR. BURKE: I have an exception?

THE COURT: Certainly.

A. She had called me.

Q. Around what time, do you know? A. I don't know the time. I am of the opinion that it was the previous day.

Q. Oh, this was the previous day? A. Yes, sir.

Q. You think that it was Thursday? A. I am of that opinion.

Q. Now, did ultimately Mrs. Taborsky, Joseph Taborsky's mother, come to State Police Headquarters at some time? A. Yes, sir.

Q. Subsequent to this telephone call? A. Yes, sir.

Q. And when was that? A. About 5:30 or 6:00 p.m. on Friday, March 1st.

Q. And under what circumstances did she come? What was her transportation, do you know? A. State police.

Q. And did you talk to Mrs. Taborsky on that Friday afternoon? A. I did.

Q. And how long did you talk with her? A. Probably fifteen minutes to a half hour.

Q. And after the conference with Mrs. Taborsky whether or not you saw Joseph Taborsky? A. Yes. Mrs. Taborsky and I then went into the interrogation room where Joseph Taborsky was with Officer Robert Riemer.

Q. And when you got in there what took place Lieutenant? A. Mrs. Taborsky talked to Joseph Taborsky.

Q. In the presence of you and Officer Riemer?

A. Yes, sir. And she told him that she was of the opinion that he was involved in these crimes, and to tell the police the truth.

Q. And what else was said, do you remember? Did that take some time? A. Yes, there was quite a few minutes elapsed, and both Joseph and his mother cried. I talked with him -

Q. What did you say? A. I asked Joseph to tell the truth and explain his version of these killings, and his mother talked to him and finally he said to his mother, "I am involved in these things."

Q. And as soon as he said that, what happened? First off, was there any further questioning by his mother as to what he meant by being involved? A. Yes. She talked with him almost continuously and tried to prompt him and help him get it out, to start confessing.

Q. Were the names of the various victims discussed during this interview? A. Yes, sir.

MR. BURKE: Objection, that is a leading question.

THE COURT: Well, that doesn't necessarily make it inadmissible. I will overrule the objection.

MR. BURKE: May I have an exception?

THE COURT: Surely.

A. The names were mentioned, yes, sir.

Q. Now, after Taborsky said that he was involved, or whatever word he used - I don't want to misquote you - what did he say first? A. "I am involved in these things," as near as I can remember.

Q. Was there a further discussion in connection with the various affairs. A. Yes. With prompting by both his mother and myself Joseph Taborsky enumerated the number of the killings in which he said that he was involved.

Q. Now, did there come a time when a statement was made? A. Yes, sir.

Q. In connection with all these affairs? A. Separate statements were made.

Q. Separate statements? A. Yes, sir.

Q. And who took those down? A. Detective Vincent O'Brien.

Q. And when was that done in connection with or in relation to this conference that you had with Mrs. Taborsky? Did she remain there? A. No, sir.

Q. Let's get the time, then, on this. When did Mrs. Taborsky leave? Insofar as the discussion was concerned? A. Almost immediately after he had enumerated these killings.

Q. She went then, is that it? A. I asked her to leave that room and I requested Detective O'Brien to come in and take shorthand notes, Captain Schwartz, Sergeant Paige.

Q. All right. Now, in what form were these statements taken? In narrative form or question and answer form? A. Question and answer.

Q. And who did the questioning? A. I did.

Q. And was the New Britain affair separated from all the others, in a separate document? A. Yes, sir.

Q. I show you those eight pages, typewritten, and ask you if you recognize those? A. Yes, sir.

Q. Did you look them all over? A. I looked at the first and the last. They are clipped together. I have seen this before.

Q. And what is that? A. That is the transcription made of the typewritten notes of Joseph L. Taborsky's confession on March 1st, at 6:30 P.M.

Q. Now, before we -

MR. BILL: May that be marked for identification?

THE COURT: Exhibit DD for identification. Mr. Burke, this is really the first exhibit that I have any inkling be-

longs in the State v. Taborsky case, except as I understand it CC also belongs in it.

MR. BURKE: CC.

THE COURT: For identification.

MR. BURKE: Yes.

THE COURT: That is the statement before Judge Bordon. I was thinking perhaps I should mark this Exhibit B, with the reservation being that CC will become Exhibit A. Do you have any preference?

MR. BILL: No, I have no preference.

THE COURT: Of course, I can proceed right along.

MR. BURKE: Whatever Your Honor wishes.

THE COURT: It might be easier for counsel if I mark this DD for Identification, in the Taborsky case, and then as we go along there will be lapses alphabetically in that case, and you will understand that.

MR. BURKE: Yes, Your Honor.

THE COURT: Is there any objection to doing that?

MR. BILL: No, Your Honor.

THE COURT: We will mark this DD for identification in the case of State vs. Taborsky.

(Eight page statement of Joseph L. Taborsky marked "State's Exhibit DD for Identification," Case No. 21,665)

Q. Are you able to tell us, without referring to this last document, substantially what your questions were and the answers were that took place between you and Taborsky that afternoon on Friday, March 1st? A. I believe that I can.

Q. Will you do so? A. I asked Joseph Taborsky where he went from Zion Street, in Hartford and he says "We went to New Britain." I asked him the purpose, and he said the purpose was to get money, to hold up a place. I asked him who was with him and he says "The other fellow", or "Another fellow." I asked him whether or not he was driving in the other fellow's car, and he said that he was, and that the other fellow was driving, and when they got to Stanley Street, New Britain, he told the other fellow when they passed a gasoline station the name he didn't know, but he thought it had some kind of wings as an emblem, and he told the other fellow to turn around and drive into the station.

I asked him whether or not he went into the station. He says "First we got gas", and then he went into the station toilet. I asked him what happened then, and he said the other fellow marched the attendant into the station. I asked him how the attendant was dressed and he said that he had on a cap with a black peak, and further identified it as a gasoline station attendant's cap, and that this other fellow was pointing a gun at this attendant and marched him into a room straight ahead of the door as you enter, and that he, Joseph, started to search the place.

I asked Joseph whether or not he heard any noises. Taborsky said that he heard a shot. I asked him how many and he said "I think one." I asked him who came out of this room, and he said "Only the other fellow."

I asked him then what happened and he said a car drove in the yard. I asked him if he talked to the operator. He said "no". I asked him "Did you order him to do anything?" He says "Yes, I went to the operator of this car and pointed a gun on him and told him to go into the toilet." He says the other fellow - he didn't know, Joseph said he didn't know the makes of cars, but the other

fellow had his car, he thought was a Buick, and that there was a little child in this car. I asked him whether or not it was a boy or girl. Taborsky said that he thought that it was a little girl. I asked Taborsky what he then did, and he says he followed this man and who he believed had his hands held over his head, into the toilet of this gasoline station. I asked him what he next did. He said that he shot him. I asked him where, and he says - pointing to the vicinity of his head, "On the left side." I asked him how many times, and he said "Twice." I asked him where - whether these shots were scattered or together. I asked him whether or not this man - he then searched the man. He says "No, I took his wallet from him before we went into the station." I asked Taborsky what position this man fell in, and he says "I think on his left side."

I asked Taborsky what he next did. He said "We left the place, the other fellow and I." I asked Taborsky where he had gotten his gun. He said that the other fellow loaned it to him and he returned it to the other fellow. I asked him how much money he received from the - was taken from this gasoline station. I believe that he said that his share was $125.00, and I believe I asked him whether or not they went to the other fellow's home and divided the money, and he said that they did.

Q. Does that complete the statement as you remember it? A. As I recall it right now, Mr. Bill.

MR. BILL: Your witness.

THE COURT: Mr. Burke.

CROSS EXAMINATION BY MR. BURKE:

Q. Lieutenant, the last time that I recall we were discussing this matter we referred to - I believe the last question was when I asked you whether or not you had used his mother to obtain the confession and your answer

was "It could be interpreted that way." Do you recall that? A. That is correct.

Q. That was up to Wednesday, as I recall it?
A. That is correct.

Q. Now, you had Joseph picked up on Saturday afternoon, didn't you? A. I did.

Q. And on Saturday night you had him locked in the cell of your barracks? A. Yes, sir.

Q. Now, when you lock a man up in a cell in those barracks do you make a record or note of it?
A. We usually do.

Q. Did you in this case? A. I discovered in the courtroom that I did not.

Q. Why didn't you, Lieutenant? A. An oversight, Mr. Burke.

Q. Isn't it a fact that you didn't want any record made that you were holding him there as long as you did? A. No, sir, Mr. Burke.

Q. Now, after you picked up Joseph in the afternoon or he went to your barracks, you sent men out to his mother's home that night, didn't you? A. You are talking about Saturday?

Q. Yes, Saturday? A. Yes, sir.

Q. When your men went out there they didn't tell Mrs. Taborsky he was arrested? A. No, sir, he wasn't arrested at that time.

Q. They didn't tell her the police were holding her son, did they? A. I wasn't there, Mr. Burke.

Q. Well, you know they didn't, don't you, Lieutenant? A. I wasn't there, Mr. Burke, I don't know.

Q. Now, did you at anytime in the days you were holding Joseph Taborsky at anytime call his mother and tell her that you had him? A. I did not call her, that is correct.

Q. So that as far as you know, the first time she knew her son was being held by you was on Tuesday when she went to Police Court in New Britain?
A. Yes, sir.

Q. Now, after you had taken this action we talked about on Saturday night, or your men had taken him, Joseph asked you or told you he wanted a lawyer, didn't he - on Saturday night I am talking about? A. No, sir.

Q. Didn't he tell you, when you said he was under arrest, that he wanted to talk to his lawyer, Nathaniel Bergman? A. No, sir, Mr. Burke, he did not.

Q. And when you placed him under arrest did you tell him, "You are under arrest."? A. Yes, sir.

Q. Now, Lieutenant, you didn't tell him, did you - you did not tell when your men locked him up - you did not tell him at anytime he was under arrest on Saturday night? A. Yes, I did.

Q. Where did you tell him? A. At the State Police barracks after we had something to eat and I resumed my questioning of Joseph Taborsky.

Q. And you did tell him in what words - what did you say? A. We were talking about his alibi for the fifteenth

MR. BURKE: May that be stricken?

THE COURT: Yes, it may go out, it is not responsive. Listen to the question, Lieutenant, and answer the question that is asked please. Will you read the question, Mr. MacGlashan?

(The reporter read the question.)

A. I wouldn't remember my exact words, Mr. Burke.

Q. What would you say in substance - or what did you say in substance? A. That this was a serious offense we were investigating and that the story he told me was not true - you now admit you are lying - there is going to be required further investigation, and there is a Section in the Statute which permits me to arrest and hold you and charge you.

Q. You told him all that? A. Substantially that, Mr. Burke.

Q. Did you tell him the crime or the felony with which you felt he had committed or was about to commit? A. No, sir, we discussed murder.

Q. You didn't tell him before that that you had a reasonable ground to believe he had committed a felony when you arrested him? A. I arrested him.

Q. You arrested him under the statute 191 (d), didn't you? A. Yes, sir.

Q. And that statute, you testified, you knew said that the police may arrest a man if they feel or have reasonable grounds to believe that he has committed a felony or is about to commit one? A. Yes, sir.

Q. You didn't tell him of the felony you had reasonable grounds to arrest him on?, A. I discussed many felonies.

Q. Did you tell him what felony? A. I don't believe I did.

Q. You just locked him up downstairs? A. I told him why he was being locked up.

Q. All right. Now, after he was locked up you didn't see him again until the next morning, did you?
A. Yes, sir.

Q. And I believe we went into that - the condition of his cell - you recall that testimony, don't you?
A. I believe I do.

Q. So that on Sunday you questioned him again?
A. Yes, sir.

Q. And as I recall it, you said you questioned him sometime around noontime? A. Before noon.

Q. Now, do you recall him telling you again that he wanted a lawyer? A. Joseph Taborsky did not ask for a lawyer or tell me he wanted a lawyer that day.

Q. Isn't it a fact, Lieutenant, he told you Saturday night when you questioned him here and on Sunday he told you again? A. No, sir.

Q. Isn't it a fact you said to him, "You don't need a lawyer - I will let you know when you need one"?
A. Yes, sir. We talked about a specific charge later in the presence of his mother in the New Britain Court.

Q. I am talking about Saturday night or Sunday, please. A. May I have the question again?

THE COURT: Will you read the question?

(The reporter read the question.)

A. No, sir.

Q. He didn't tell you on Saturday night he wanted to see Mr. Bergman? A. No, sir, he didn't.

Q. You didn't tell him he didn't need a lawyer?
A. No, sir.

Q. And that you would let him know when he needed a lawyer? A. No, sir.

Q. Now, on Sunday, did he not again ask you to permit him to contact his lawyer? A. No, sir.

Q. If he had talked to you, you would remember, wouldn't you, Lieutenant? A. I feel I would have remembered and complied with his wish.

Q. Will you search your memory, Lieutenant - remembering you are under oath and answer whether he asked for a lawyer on Sunday? A. No, sir, he did not.

Q. Do you recall saying to him that you would let him get a lawyer later when he needed one? A. No, sir.

Q. Did you also say to him he didn't need a lawyer because you had charged him with nothing specific and this was just an investigation?

MR. BILL: Objection.

MR. BURKE: Claim it.

MR. BILL: He said, "Did you also say" so and so, and he just denied it.

MR. BURKE: Strike out the word "also".

THE COURT: Answer it without the word also.

THE WITNESS: No, sir.

THE COURT: Perhaps this is a good place to stop. Step down, Lieutenant. Will you escort the accused from the courtroom?

Recess until two o'clock, Sheriff.

(Recess at 12:55 P.M.)

JUNE 13th, 1957. 2:00 P.M.

THE COURT: Bring up the accused, Sheriff.

(Accused present)

(Jury and alternates not present)

MR. McDONOUGH: If Your Honor pleases, we are ready to offer that testimony now.

THE COURT: Any objection, Mr. Burke?

MR. BURKE: No objection, Your Honor.

MR. McDONOUGH: We are ready to proceed, Mr. Bill, on the jail testimony.

MR. BILL: This is in the Culombe case?

MR. McDONOUGH: Yes, this is in the case of Arthur Culombe, Your Honor.

THE COURT: Yes, I understand.

FRANK KAZMARZIK, a witness called by the accused Culombe, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Frank Kazmarzik.

Q. Where do you live? A. 108 O'Donnel Road, New Britain.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. What is your occupation? A. I am the office deputy at the county jail.

Q. Office Deputy at the County Jail? What do your duties consist of? A. Keeping records of the men that are kept for any period of time, keeping records of discharges, and helping with the administration of the jail.

Q. On February 26th, 1957, and for some time prior to that and since that date have those been your duties?

A. Yes, they have.

Q. In response to an order of this Court have you brought the records of the county jail relative to Arthur Culombe, especially in reference to a mittimus in your possession committing him to the jail on the 26th of February 1957? A. I have.

Q. Have you that mittimus here? A. I have it right here.

MR. BILL: No objection.

THE COURT: Culombe's Exhibit 6 for identification.

MR. McDONOUGH: Yes, Your Honor.

(Mittimus of New Britain Court for Arthur Culombe, marked "Culombe's Exhibit 6 for Identification")

Q. Defendant Culombe's 6 for identification, what is that, I will ask the witness. A. It is a mittimus issued by the police court of the City of New Britain on Arthur Culombe on February 26th, charging him with breach of peace continuing it until March 5th, under $25,000.00 bond.

Q. Does the bottom of that mittimus, signed by the Clerk of the Police Court, charge the County Jail to keep Culombe within said prison until he be discharged by due process of law?

MR. BILL: It speaks for itself, I suppose, Your Honor.

THE COURT: Do you object?

MR. BILL: Yes.

MR. McDONOUGH: May I be heard, Your Honor?

THE COURT: Yes.

MR. McDONOUGH: For the purpose of argument of these motions, we had the offer by Mr. Bill of the confession. Naturally these are not being offered as full exhibits,

so I think for the purpose of convenience their use in argument should be allowed.

THE COURT: It was my understanding that you would keep them as full exhibits under the identification, so under that ruling I would sustain the objection, because it is a conclusion of law.

MR. McDONOUGH: Then, in order to avoid that I want to read into the record the latter portion of this mittimus.

THE COURT: Do you object?

MR. BILL: Oh, no. I think that is where it should come from.

MR. McDONOUGH: We will do it that way. Defendant Culombe's Exhibit 6 for Identification, at the bottom of the mittimus it states "These are, therefore, by authority of the State of Connecticut to command you to take and convey the said Culombe to the jail in Hartford, in Hartford County, and him deliver to the keeper thereof and leave with him this warrant, and said keeper is also commanded to receive and keep the Said Culombe within said prison until he be discharged by due course of law. Dated at the City of New Britain, this 26th day of February A.D. 1957." And a name, "Clerk of said Police Court."

Q. Now, have you with you the official jail record or book pertaining to the reception of Culombe in the jail in compliance with that mittimus? A. Yes, I have.

Q. And what is that book known as? A. It is known as the log book.

Q. How long has that log book been in use?

A. This particular one has been in use since October 19th, 1956.

Q. And it is still in use? A. It is still in use.

Q. And what entries are kept in that book?

A. Any activities at the jail that should be recorded are kept in here, such as the daily happenings, anything of an unusual nature such as sickness, discharge, any punishment to a prisoner, a man being discharged other than during the office hours would be entered in here.

Q. Under February 26th, 1957 - question withdrawn. Is that book necessary to be used at the jail? In other words, if we keep it here will it seriously inconvenience the jail?

A. Yes, it would. This is actually a diary and kept in chronological order. Any lapses in here would tend - it would not only be inconvenience; it would cause considerable difficulty in keeping our records straight.

MR. McDONOUGH: I am asking that, Your Honor, to clarify the situation, because I'll proceed and I may run into objection, but Your Honor knows why.

THE COURT: All right.

Q. Does the log book before you show whether or not Arthur Culombe was received at the county jail on February 26th, 1957? A. Yes, it does.

Q. What is the entry in that book? A. On the date of February 26th, 1957, at 8:50 P.M. Joseph Taborsky committed and adjourned A cell.

Q. That is the alphabetical A? A. That's right. Arthur Culombe committed, adjourned, D cell. Keep both above deadlocked and separated.

Q. On the 27th of February is there a notation concerning Arthur Culombe? A. Yes, there is.

Q. And is that the same Culombe referred to in the notation of February 26th? A. Yes, it is.

Q. What is the entry of February 27th regarding

Arthur Culombe? A. 10:00 A.M., Culombe adjourned, D cell, borrowed by State Police.

Q. And what does that indicate to you as the keeper of the records, that he was borrowed by the State Police?

A. That he was in the custody of the state police and they were responsible in the event anything should have happened to him.

Q. And do the records show that he was taken from the jail on the 27th by the State Police? A. This notation here indicates that he was taken from the jail.

Q. Whether or not the jail record that you have before you, or any other record that you may have shows any discharge from the jail on the 27th of February 1957 by Culombe by due prosess - by due course of law other that that notation "borrowed"? A. No, I don't.

MR. McDONOUGH: That's all. Thank you.

THE COURT: Any cross, Mr. Bill?

MR. BILL: No.

THE COURT: You may step down.

MR. BURKE: Your Honor pleases, would the witness remain here because I want to put my evidence on for the same thing.

THE COURT: I wonder if it would be a convenience, would there be any objection to Mr. Burke using the witness for whatever purpose he sees fit?

MR. BILL: No, no. Does that close your -

MR. McDONOUGH: Yes, with this witness. I have one more we have from the jail.

MR. BILL: Won't Mr. Burke want him, too?

MR. McDONOUGH: Yes, he will.

MR. BILL: Why don't they put the two of them on and then he question him next and Mr. Burke will start in?

MR. McDONOUGH: I think that is the better procedure.

THE COURT: All right.

CHARLES BAIKAL, a witness called by the accused Culombe, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Charles Baikal.

Q. And your address? A. 80 Newington Avenue, New Britain, Connecticut.

DIRECT EXAMINATION BY MR. McDONOUGH:

Q. Mr. Baikal - A. Just one second, please, sir.

Q. Surely. Mr. Baikal, what is your occupation? A. I am a guard at the county jail.

Q. And how long have you been a guard at the county jail? A. More or less twenty years.

Q. And on February 27th, 1957, were you on duty as a guard during the day, during the morning? A. I was.

Q. You know Arthur Culombe, the defendant, who sits at this table? A. I do.

Q. Was he an inmate of the jail on that day? A. He was.

Q. Did you have occasion to go to his cell on the morning of February 27th? A. I did.

Q. Tell His Honor just what you did? A. Well, it was a normal procedure. The State police had called for somebody to be borrowed.

Q. Who was to be borrowed? A. I was directed to go to his cell and unlock the cell, bring him to the gate of the jail. The state police took him over from then on.

Q. After he left the gate? A. That's right.

Q. In other words, he was unlocked from his cell into the block, wasn't he? A. That's right.

Q. Then you took him to the block door which leads to the outside, opened the door, let him go through, and the state police grabbed him? A. That's right.

MR. BILL: I move that that word "grabbed" --

THE COURT: The word "grabbed" may go out.

MR. McDONOUGH: All right. Took him into custody.

THE COURT: Is there any reason why Mr. Burke can't, out of order, do the same thing?

MR. McDONOUGH: I am now through, Your Honor, as far as Culombe's confession is concerned.

MR. BILL: You are?

MR. McDONOUGH: Yes.

MR. BILL: Then this becomes Mr. Burke's case, and I would just as soon, if he wants to withdraw Lieutenant Rome for the moment and put these two men on, I have no objection.

THE COURT: Let's do it, Mr. Burke.

FRANK KAZMARZIK, having been previously sworn was recalled by the accused Taborsky and testified as follows:

DIRECT EXAMINATION BY MR. BURKE:

Q. For the record will you give us your full name, sir? A. Frank Kazmarzik.

Q. And where are you employed? A. The Hartford County jail.

Q. What is your -

THE COURT: For the record we can just say "Recalled". You don't need to go through that again.

MR. BURKE: It was a new proposition and I thought we should have it in the record.

THE COURT: All right.

Q. What is your capacity at the county jail? A. I am the Office Deputy.

Q. And as such what are your duties? Are you keeper of the records? A. Keeper of the records and help in the administration of the jail.

Q. Did you in response to a subpoena or order of the Court produce the log book or record of the jail? A. I did.

Q. Did you also bring with you certain other papers regarding Joseph Taborsky? A. I did.

Q. Do you have the records with you? A. I have.

Q. May I see them? I show you this paper. Will you tell me what it is? A. This is the mittimus issued from the police court of the City of New Britain on February 26th, 1957.

Q. Was that received by you and kept in the course of your business? A. Yes, it was, sir.

MR. BURKE: May I offer it?

THE COURT: You mean to have it marked for identification?

MR. BURKE: For identification.

THE COURT: And it is your first one, isn't it?

MR. BURKE: Yes, Your Honor.

THE COURT: May be marked Taborsky's Exhibit 1, for identification.

MR. BILL: No objection.

(Mittimus of New Britain Court on Joseph Taborsky, marked "Defendant Taborsky's Exhibit 1, for Identification")

MR. BURKE: For the record, Your Honor, Defendant Taborsky's Exhibit 1, is a mittimus issued from the City Court of New Britain ordering the defendant to become bound to $25,000 for his appearance before said Court according to said adjournment and to answer said complaint and abide the order of said Court, and stand committed until such order for bonds has been complied with, and he, neglecting and refusing to produce bonds as aforesaid, a reasonable time having been allowed therefor, these are therefore by authority of the State of Con-

necticut, to command you to take and convey the said Taborsky to the jail in Hartford, in Hartford County, and him deliver to the keeper thereof and leave with him this warrant, and said keeper is also commanded to receive and keep the said Taborsky within said prison until he may be discharged by due course of law.

The reverse of it shows that by virtue of this warrant Taborsky was delivered to the keeper of the jail and left with him this warrant, and it is signed "Samuel Rome, State Policeman."

Q. In accordance with that mittimus do your records show that you received Joseph Taborsky? A. Yes, they do.

Q. What day? A. I have an entry here under date of February 26th, 1957.

Q. And does it indicate the time of receipt? A. It does, 8:50 p.m. Joseph Taborsky committed, adjourned, A cell.

Q. Do your records indicate how long he remained in your jail? A. I have an entry here on the morning of February 28th, 1957, "8:30 a.m. Joseph Taborsky, A cell, borrowed by State Police Sergeant Rome."

Q. Do your records there indicate that Taborsky was discharged from the jail to the custody of the state police? Is that what that indicates? A. It indicates that he was taken out by the state police.

Q. And do your records indicate whether or not the state police had any order from any court, especially the City Court of New Britain? A. No, they do not.

Q. If there were any such records would you have them? A. I would.

Q. And do you have them? A. I don't.

Q. Then I gather there is no record, no order of any Court permitting Taborsky to be discharged into the hands of the state police? A. Not to my knowledge.

Q. When was he brought back? Do your records indicate that? A. I have an entry here on the evening of February 28th, Joseph Taborsky, adjourned, A. Cell, discharged, Joseph Taborsky committed, B.O.-being bound over - A cell.

Q. And was that on a subsequent mittimus issued from this Court? A. It was. I don't have any recollection of seeing that mittimus. This entry was made by the guard on duty at the time.

Q. Do you have in your records any mittimus to keep Joseph Taborsky in jail? A. I have one, but none of that date.

Q. What is the date on the one that you have?
A. I have a mittimus here dated March 12th, issued from the Superior Court of Hartford County, charging Joseph L. Taborsky with murder in the first degree, hold without bond.

Q. But prior to March 12th, there was no mittimus except the one from the court in New Britain? A. That's right, other than this entry in the log book.

Q. And then you say, according to your log, that was discharged? A. He was discharged from the New Britain charge on February 28th, was then committed as a bind over prisoner on the same day, on the strength of the bench warrant that was issued. We never received the bench warrant.

Q. You have no bench warrant and you have no mittimus? A. Not to my knoyledge.

Q. What authority, then, did you use to hold him from February 28th to March 12th? A. On the strength

of this entry here and the fact that we had been told the warrant had been sworn out that morning in court.

Q. But you never saw the warrant? A. I never saw the warrant.

Q. And you never saw any mittimus?

THE COURT: Any cross?

MR. BURKE: That's all.

CROSS EXMINATION BY MR. BILL:

Q. Who made the entry? A. This particular entry was made by Deputy Sher f O'Toole.

Q. That is bout the bind over? A. That's right.

Q. On February 28th? A. On February 28th.

Q. What time? A. There is no time entered in the log book but I imagine that it was between four and five.

MR. BILL: Thank you.

MR. BURKE: Sheriff O'Toole, will you take the stand?

PATRICK G. O'TOOLE, previously sworn, recalled.

DIRECT EXAMINATION BY MR. BURKE:

Q. Sheriff, you have been sworn? A. Yes.

Q. You are employed at the jail among your other duties? A. Yes, sir.

Q. And you were so employed on February 28th? A. Yes.

Q. Would you look at the log book before you and I ask you if you recognize it? A. Yes, sir.

Q. What is it? A. It is a log book kept in the due course of business at the jail.

Q. Would you note the entry on February 28 of this year? A. Yes, sir.

Q. Do you see any notes made by you? A. I do.

Q. Do they concern Joseph Taborsky? A. They do.

Q. Would you read them, please? A. An entry - "Joseph Taborsky assigned A cell - discharged." Skip two lines. "Joseph Taborsky committed BO-A cell."

Q. By what authority did you make the first entry that he was discharged? A. By virtue of a bench warrant that had been issued here on Joseph Taborsky on the morning of February 28th when he was presented in court.

Q. Do you have any authority from the Court in New Britain discharging him from the continuance to March 5? A. There was no order from the New Britain Court, no, sir.

Q. And who instructed you to make that entry that he was discharged? A. I wasn't instructed by anyone, sir.

Q. And did you from this Court receive any mittimus on the day you made that entry? A. I don't know if there is a mittimus received or not on this particular entry.

Q. Do you recall receiving one? A. I would think there would have been one in order for him to be discharged and recommitted as a bound over prisoner.

Q. If you received such a mittimus, wouldn't you turn it over to the keeper of the records? A. Not right at hand, but we let the records accumulate through the night for the Officer.

Q. Is it your recollection you discharged him from the New Britain Court? A. No.

Q. And held him for this Court purely on the basis of the bench warrant issued? A. I knew the bench warrant had been issued.

Q. Did you see it? A. I did.

Q. Did you have it in your possession? A. I don't know whether I had a mittimus or a bench warrant from the Superior Court, but I know there was one issued.

Q. Did you see the bench warrant? A. I did.

Q. Was it served on Taborsky, do you know?
A. It was.

Q. You didn't have any order of this Court to move him, did you, except that bench warrant? A. Other than what permission Judge Bordon gave here that morning and the bench warrant.

Q. Well, where is the bench warrant you had from what you made those notations? A. I don't know where it is now.

Q. Do you recall having it in the jail at anytime?
A. I saw it at the jail - one of the State Police had it at the jail.

MR. BURKE: May I ask the State's Attorney if he has the bench warrant?

MR. BILL: Why no, the Clerk would have it. I don't handle them after they are issued by the Court.

THE COURT: The answer is no.

MR BILL: May I ask the Clerk if he has the bench warrant?

(Paper produced by Mr. Coburn.)

Q. Is this the bench warrant you had? A. Yes, it is.

Q. Did you have a copy of it for use at the jail?
A. I had a copy of it - I don't know whether it was used at the jail, but I know I saw it.

Q. Who served this bench warrant, do you know?
A. Lieutenant Rome.

Q. Did he serve it at the jail? A. The bench warrant - I don't know if it was served here or upstairs or downstairs or in the hallway or where it was served.

Q. And in response to this bench warrant Taborsky was brought into this Court, wasn't he? A. Yes.

Q. And what time does the entry say you discharged him from the Police Court of New Britain? A. It was between five and five-fifteen on February 28 - five-fifteen P.M., that is.

Q. The bench warrant orders him brought into this Court on the 28th day of February and he was brought in in the morning, wasn't he? A. He was brought in in the morning, yes, sir.

Q. Did you obtain any kind of mittimus from the Court to lock him up after? A. He wasn't in my custody.

Q. By what authority did you then discharge him from the New Britain Court? A. By authority of the bench warrant.

Q. The bench warrant terminated the case in New Britain? A. It seemed to me it did.

Q. Were you instructed to do anything? A. No, sir.

Q. You did it on your own? A. That's right.

Q. Were you on duty at the jail on the 27th, the day the State Police borrowed him? A. No, sir.

Q. You were not on duty that day? A. Not at that hour of the morning, no, sir.

Q. Was that an unusual occurrence - to borrow Taborsky? A. Well, it is the first time Taborsky had been borrowed to my knowledge.

Q. Did you ever hear the State Police borrowing prisoners before they borrowed Taborsky? A. Offhand I can't think of any. .

Q. Do you know what kind of a paper the State Police used to borrow a prisoner? A. In this particular case, Judge Bordon directed that he could be taken out at anytime.

Q. He did? A. Yes, on the 28th.

Q. And the entry of the borrowing is on the 27th?

THE COURT: Not according to the testimony. I have it as the 28th.

THE WITNESS: Eight-thirty A.M., February 28th, Joseph Taborsky borrowed by State Police.

Q. And Judge Bordon made his order sometime later in the morning - after eight-thirty? A. That's right.

Q. So that he wasn't brought in in accordance with any ruling of Judge Bordon? A. Not at that hour of the morning.

Q. Do you know what he was borrowed on - what paper or law he was borrowed on? A. No, I don't know of any and I had nothing to do with his being borrowed at that time - I wasn't on duty.

Q. Does the book say anything about the authority for the lending of the prisoner? A. No, sir.

MR. BURKE: I think that is all.

THE COURT: Any cross examination?

CROSS EXAMINATION BY MR. BILL:

MR. BILL: Yes. Would you produce, if you can find it, the order of Judge Bordon on the 28th in the Culombe and Taborsky cases?

MR. COBURN: I think you have them there.

MR. BILL: That came from your file?

MR. COBURN: Yes.

MR. BILL: Where is the one on Taborsky?

MR. COBURN: It is not in the file.

MR. BILL: You can't find it?

MR. COBURN: It is not in the file.

MR. BILL: Is that the Taborsky file?

MR. COBURN: I have the bench warrant. The other file is on the Judge's desk.

MR. BILL: Who was the Clerk at that time, do you know?

MR. BURKE: Mr. Ferguson, I believe.

MR. BILL: Is he around?

THE COURT: Here is something, Mr. Bill.

MR. BILL: I have a copy.

THE COURT: No, this is later.

MR. BILL: Here is what I am looking for. That is a copy. Well, Your Honor, I think State's Exhibit CC, which is the case of State versus Taborsky - the Superior Court proceedings on February 28th - covers what I am after here. It says, reading from that:

"Mr. Wright: Joseph L. Taborsky is now before the Court, and at this time, Your Honor, I make a motion to the Court that Sheriff Potter be commanded to release Joseph L. Taborsky into the custody of John C. Kelly, Commissioner of State Police or his Deputy, for the purpose of further investigation, following which investigation said Joseph L. Taborsky shall be returned to the Hartford County Jail."

Then at the end of the transcript the Judge says: "The motion of the State's Attorney is granted."

THE COURT: All right.

CROSS EXAMINATION BY MR. BILL:

Q. Now, were you present on duty in this courtroom at that time, sheriff, when the proceedings were going on? A. Yes, sir, I was.

Q. Did you hear what I just read that took place in the courtroom? A. I did.

Q. That the Court had granted that order? A. I did.

Q. And did you act on that? A. I did.

Q. Did that result in that annotation you made in that book?

MR. BURKE: May I ask which annotation - there are three?

MR. BILL: Wait a minute. I will withdraw that.

Q. As a result of that hearing, did you make any annotation on the log book at the jail? A. Yes, I did.

Q. What was it? A. That Joseph Taborsky - A - cell was discharged, and the next entry was - Joseph Taborsky committed - BO - A - cell.

MR. BILL: Rather than go into it again, would it be permissible at this time to cover the Culombe matter or would it confuse things.

MR. McDONOUGH: I am willing that you do it.

MR. BURKE: I am not. Mr. Bill thinks we should do this in blocks and I agree.

MR. BILL: All right.

THE COURT: Go ahead.

BY MR. BURKE:

Q. This business of making this entry in accordance with the order of Judge Bordon as to what you heard in this court, you didn't have any paper from Judge Bordon? A. No, sir.

Q. You didn't have any mittimus? A. No, sir.

Q. You didn't have anything except what you heard him say? A. That is right.

Q. And this happened several hours after he was borrowed, is that not so? A. Yes, he was borrowed - taken out at eight-thirty in the morning.

Q. Did you hear anything in Judge Bordon's order that says he was discharged from the court in New Britain? A. No, sir.

Q. Nothing? A. No, sir.

Q. So that you didn't act in accordance with Judge Bordon's order when you discharged him from the New Britain Court's mittimus, did you? A. Not downstairs, no, sir.

Q. So you have no authority to discharge him from the New Britain Court? A. My authority was the bench warrant. He was rearrested on the bench warrant and the bench warrant superseded the New Britain Court.

Q. That is what you acted on? A. Yes.

Q. But that had nothing at all to do with the letting out of Taborsky on the morning before he came to this Court? A. That is right.

MR. BURKE: That is all.

* * * * *

MARTIN BAIKAL, previously sworn, recalled.

DIRECT EXAMINATION BY MR. BURKE:

Q. You have been sworn. You are a guard at the County Jail and have been for many years and were on the date of February 28th, right? A. Yes.

Q. On that morning do you recall Joseph Taborsky being borrowed by the State Police? A. To my knowledge I think I do recall - I think he was brought over.

Q. And which of the many State Policemen borrowed him? A. I don't recall.

Q. Do you recall it was this gentlemen in the corner here, Rome? A. I don't recall.

Q. Do you let out prisoners to the State Police from time to time? A. It is a routine procedure with us.

Q. And if the prisoner is in there under a mittimus, such as Taborsky was, from New Britain Court, the State Police can go up there and borrow him? A. It has been done to my knowledge.

Q. And you don't demand any kind of an order from the Court? A. Offhand, we have them sign a mittimus showing they are in their custody.

Q. Did you in this case have them sign the mittimus - and I show you this mittimus - Taborsky Defendant's Exhibit 1? A. In this case we didn't have them sign the mittimus.

Q. Just came up and said, "Let us borrow him" - and you said, "Fine" - and away they went? A. They have to show proper identification.

MR. BURKE: That is all.

THE COURT: Anything from this witness, Mr. Bill?

MR. BILL: No.

(Witness excused.)

MR. BILL: Shall we go ahead on Culombe?

MR. McDONOUGH: Yes.

MR. BILL: Mr. Clerk, I show you that order. Did that come from your files?

MR. COBURN: Yes, it did.

MR. BURKE: May I inquire what this is?

THE COURT: This is not your case.

MR. BILL: I cooked it up while you were dreaming.

THE COURT: You may inquire, Mr. Burke, but isn't any of your concern.

MR. McDONOUGH: Mr. Bill, are you offering this?

MR. BILL: Yes.

MR. McDONOUGH: Is this a part of the file of the Court?

MR. BILL: Yes.

MR. McDONOUGH: And you want the Court to take judicial notice of it?

MR. BILL: That is right.

MR. McDONOUGH: I have no objection to the Court taking judicial notice of any file, but I want to point out

this occurred since the borrowing.

THE COURT: You can point out anything you want that is proper.

MR. BILL: The reason I want it in the record, whereas this Court might recognize it and read it, I think the original should be in there for the record.

THE COURT: Suppose you read it for the record?

MR. BILL: May I have it marked?

THE COURT: I don't see any need to mark it if you read it.

MR. BILL: (Reading) Case number 21,654, State versus Arthur Culombe, February 28th, 1957. To Daniel Potter, Sheriff, Hartford County, Greetings:

"You are hereby commanded to release Arthur Culombe into the custody of John C. Kelly, Commissioner of the State Police or his Deputy for the purpose of further investigation. Said Arthur Culombe shall be returned to the Hartford County Jail following such investigation. Bordon, a Judge of the Superior Court.

MR. McDONOUGH: What date is that, Mr. Bill?

MR. BILL: February 28, 1957.

MR. McDONOUGH: That doesn't bother me. My argument is on the 27th. That is when he was borrowed.

MR. BILL: I wanted it in the record. That is the reason for it.

THE COURT: Is there anything further, Mr. Bill, at this time?

MR. BILL: I understand, Your Honor, from the clerk, that he has in his files the order on Joseph Taborsky that would ordinarily follow what I read from the transcript of the Taborsky. Have you?

ASSISTANT CLERK COBURN: No, I haven't.

MR. BILL: But Your Honor will take notice of the exhibit, I presume, that I read, as the order that Judge Bordon made.

THE COURT: I have taken judicial notice of it.

MR. BILL: That's all, Your Honor.

THE COURT: Now we will resume with the Taborsky case. Lieutenant Rome.

SAMUEL ROME, having been previously sworn, was recalled and testified as follows:

CROSS EXAMINATION BY MR. BURKE: (RESUMED)

Q. When, Lieutenant, if ever, did you permit Joseph Taborsky to contact a lawyer?

MR. BILL: May I have that?

THE COURT: Read it, Mr. Burke.

(Last question read by reporter)

MR. BILL: I object to that question.

THE COURT: I will sustain the objection as to form.

Q. Did you at any time, Lieutenant, permit Joseph Taborsky to contact his lawyer?

MR. BILL: Objection.

MR. BURKE: Claim it, Your Honor.

MR. BILL: The word "permit" would assume that he had made a request for a certain attorney.

MR. BURKE: That's my claim.

MR. BILL: I object to it.

THE COURT: I know it is, but that isn't the evidence. I'll have to sustain it.

Q. How many times, if you can recall, Lieutenant did Joseph Taborsky request permission to contact his lawyer? A. At no time.

Q. None at all? A. No time.

Q. And so as far as you know he never did ask you at any time he was in your custody, to see his lawyer? A. To the contrary he said that he did not wish a lawyer.

Q. How many times did he say he did not wish a lawyer? A. More than once.

Q. More than once? A. Yes, sir.

Q. And this occurred from the time that you took

him into custody on Saturday, until he was presented to this Court? A. That is what I mean, yes, sir.

Q. Now, on February 28th, the record shows that you went to the County Jail, did you not, to see Taborsky? A. Yes, sir.

Q. At 8:30 in the morning? I think you testified around nine o'clock, but that is about the time, isn't it? A. Yes, sir.

Q. And the record shows that you borrowed Taborsky. I ask you, Lieutenant, did you have any order of a Court at 8:30 that morning? A. No, sir.

Q. Did you have any kind of a paper or any authorization whatsoever to take Taborsky from the county jail? A. Nothing in writing, sir.

Q. Didn't you know that he was in the county jail by virtue of a mittimus of the court of New Britain? A. Yes, sir.

Q. Which mittimus you, yourself, served? A. Yes, sir.

Q. And didn't you know that the mittimus, which is Defendant Taborsky's Exhibit 1, ordered the jail keeper to receive and keep him until he be discharged by due course of law? You knew that, didn't you? A. Yes, sir.

Q. Why did you take him out without the authority of any Court, Lieutenant? A. There was a request made by me of the New Britain Court. And as a result of that for the removal, written permission - and as a result of that I made the request of the Sheriff, or his deputy, which was Mr. O'Toole.

Q. Let me get this straight. You talked to the Court in New Britain, did you? A. No, sir, a request was made of me by my Captain, and I talked to someone in New Britain and received word from the judge that I was to make my request of the County Jail.

Q. Let me get it straight, Lieutenant. You requested who? Who did you talk to? What is his name? A. Captain Kelly of the New Britain Police Department.

Q. You talked to Captain Kelly? A. Yes, sir.

Q. And you told Captain Kelly that you wanted to borrow Taborsky, I assume. A. In those words.

Q. What did you tell him? A. I asked Captain Kelly if he would contact the judge and see whether or not the judge thought we needed a written order from him to remove this man from the county jail for further investigation.

Q. What time did you do this and what day? A. I don't know but it was before his removal, Mr. Burke.

Q. Well, was it in the morning of the 28th? A. I am of the opinion that it was the 26th.

Q. It was the 26th? A. Yes, sir. I am of that opinion.

Q. What is that? A. I am of that opinion.

Q. The 26th you asked Captain Kelly? A. Yes, sir, that's the day we got the original mittimus from New Britain.

Q. What time did you ask Captain Kelly this on the 26th? A. Sometime in the evening.

Q. Sometime in the evening? A. Yes, sir.

Q. And you asked Captain Kelly to ask the Court to permit you to take Taborsky from the jail for further investigation. Is that what you asked him? A. I asked Captain Kelly to ask the Court whether or not any permission was needed in writing from the Court, and I was told that I was to contact the sheriff of the county jail and my business was with him.

Q. Who told you this, Lieutenant? A. Captain Kelly.

Q. Captain Kelly? You knew what the mittimus said, didn't you? A. It was an order from that Court.

Q. Yes, and you know that an order of the Court has to be obeyed until it is discharged or revoked by the Court that gives the order? A. Unless the judge who gives the order so sees fit to change it.

Q. Did you talk to the judge? A. No, I talked to a reliable source.

Q. So you didn't talk to the judge to get any release of the Court order? A. No, sir.

Q. So you went ahead on the say so of another policeman and took a man out of jail contrary to the order of the Court, didn't you, Lieutenant? A. No, sir.

Q. You had no relea. e of that order, did you?

A. No, sir. Acting on that information I talked to Deputy Sheriff O'Toole, at the County Jail, and he says to make my request when I needed him, and it was a practice of the jail as long as I identified myself and I could have that man for further investigation.

Q. Whether or not the Court released the order, you could have him? A. Those words were not used.

Q. You asked Deputy Sheriff O'Toole, if you could borrow a man from the jail that was put in jail by the order of a Court, and you accepted that, Lieutenant?

A. Knowing what Captain Kelly told me the Court's wishes were, yes, sir, I did.

Q. You wanted him out of the jail anyway, didn't you, Lieutenant, any way you could get him out, so you could question him some more? Isn't that the reason that you borrowed him? A. I told you how I got him out of there.

Q. I am asking you why you got him out that way and didn't go to the Court and get an order the proper way? A. I was conducting the investigation in Hartford. Captain Kelly was closer to the court in New Britain, and that was the best way I saw it.

Q. Captain Kelly never told you that the Court released the order did he? A. He didn't use those words, no, sir.

Q. Of course he didn't. He told you to go see Potter, the sheriff, didn't he, and make your deal with him?

A. He told me that the judge suggested that I make my request of the sheriff.

Q. And this was done, you say, on the 26th?

A. I am quite sure it was the evening or night of the 26th, yes, sir.

Q. You didn't bother from the 26th to the 28th, to go see the Court who ordered the man jailed?

A. I didn't feel it was necessary after receiving that information from Captain Kelly.

Q. So you decided to go see a deputy sheriff? A. I didn't see him. I called him.

Q. Called the deputy sheriff? Why didn't you call the keeper of the jail, or the head jailer? A. I am of the opinion that Mr. O'Toole was the - was in charge that evening.

Q. He was in charge? A. I think that I made that request of the one who was in charge. Yes, sir.

Q. Was he in charge the next day when you took Culombe out? A. I don't recall.

Q. The head jailer was there that day, though, wasn't he? A. I don't know.

Q. Didn't you ask him if you could take Taborsky out the next day?

THE COURT: You don't mean that, do you? You switched from Culombe to Taborsky.

MR. BURKE: Yes.

THE COURT: And it wasn't the next day, was it?

MR. BURKE: Yes, it was the 28th. He took Culombe out on the 26th.

THE COURT: Go ahead. I am a little confused.

Q. You took Culombe out on the 27th, didn't you? A. No, sir.

Q. Borrowed him? A. No, sir.

Q. You didn't borrow him on the 27th? A. No. Sergeant Paige did.

Q. Sergeant Paige borrowed him? Were you at the jail with Sergeant Paige when he borrowed Culombe? A. No.

Q. You had all day to contact the head jailer at that jail, didn't you, on the 27th? A. I had other things to do.

Q. I am asking you if you had all day to contact him?
A. If I had in mind to contact him I might have found time.

Q. Now, you had all day to contact the judge of the Court in New Britain, too, didn't you, on the 27th?
A. I didn't think tnat it was necessary. I had received word from a reliable source.

Q. You didn't answer the question. Lieutenant.
A. I am sorry.

Q. You had all day, did you not, to contact the judge of the Court or the prosecutor of the Court? A. Yes, if that's what I had in mind to do.

Q. You didn't have much trouble reaching the prosecutor, did you? A. I don't understand that question.

Q. If you wanted to reach the prosecutor of the Court, or the judge, it wouldn't be much trouble to do it, would it? A. If I saw fit to want to reach him.

Q. If you saw fit to do it? A. Yes, sir.

Q. But you didn't see fit to do it? A. I don't understand that question.

Q. You didn't see fit to call the Court or call the judge, or call the prosecutor to get a man out of jail contrary to the order that put him in, did you? A. Not after the informat.on that I had, no, sir.

Q. You realize that that was an illegal act, didn't you, Lieutenant? A. No, sir. I did not.

MR. BILL: Objection Your Honor.

THE COURT: I will sustain it. The answer may go out.

Q. Didn't you realize that you were acting contrary to the order of the Court in borrowing a prisoner?

A. Repeating myself, Mr. Burke, I felt that I was acting under the Court's instructions when I contacted the Deputy Sheriff, or the person in charge of the county jail. Yes, sir.

Q. But the very same day in this court you were the one who asked for permission to have the Court put Taborsky in your custody for further investigation, weren't you, through the State's Attorney, Mr. Wright? A. Yes, sir.

Q. You knew that was what you had to do, didn't you? A. There was a different warrant then, Mr. Burke.

Q. But you knew that is what you had to do to get a man out of jail, didn't you, get an order of the Court, and you failed to do it Thursday morning? A. I did it Tuesday night.

Q. You got an order from the Court Tuesday night?
A. I received information from the Court how to proceed regarding the removing of the man from the county jail.

Q. You got information from the Court? What officer of the court or who of the court gave you such information?
A. I was told the judge himself.

Q. You didn't get if from the judge, did you?
A. Indirectly, yes, sir.

THE COURT: Mr. Burke, I understand that situation. He got if from Captain Kelly.

MR. BURKE: I understand it too, Your Honor. I am trying to bring out the illegality of it.

THE COURT: Whether there is or there isn't, you have the facts, haven't you?

MR. BURKE: All right.

Q. Now, Lieutenant, let's go back again to Saturday and Sunday and Monday. Saturday, Sunday and Monday you had Taborsky in your custody, didn't you? I am talking about the morning of February 23rd, February 24th and February 25th. A. I am trying to give it a little thought, Mr. Burke. Yes, sir.

Q. And for the time that he was in your custody you did not notify either his wife or his mother that you had him, did you? A. I talked with his wife yes, sir.

Q. What day did you talk to his wife? A. That would be after the confession.

Q. After his confession? He didn't confess Saturday or Sunday or Monday, did he, Lieutenant? A. No, sir.

Q. Sir? A. No, sir.

Q. So did you call his wife, or do you want to correct the statement that you talked to his wife during those three days? A. No, sir.

Q. You want to let that stand? A. I talked to her after the confession.

Q. You said first that you talked to her during those three days? A. I didn't mean it to sound that way.

Q. You want to correct that? You didn't talk to her until after the confession. Right? A. I talked to Joseph Taborsky's wife the day that I permitted him to talk to his wife. Now, I am not quite certain of the day.

Q. You know, Lieutenant, it was sometime later in the week, around Friday, don't you? A. I am of that opinion.

Q. You are certain of it, aren't you? A. I am not.

Q. You are certain that it was not Saturday, Sunday, or Monday? A. I am quite certain that it wasn't Saturday, Sunday or Monday.

Q. And you didn't talk - strike that - you didn't notify his mother, either, did you, Saturday, Sunday or Monday.

MR. BILL: I object, Your Honor. There is no obligation on the police to notify anybody. I think that that is immaterial.

MR. BURKE: It isn't immaterial, Your Honor. What we are trying to prove here is a scheme to hold this man incommunicado to impose on him the same old psychological pressure they are using in the iron curtain countries much more effectively than the rubber hose.

THE COURT: You don't want me to pass on that claim, do you?

MR. BILL: I won't even respond to such nonsense.

THE COURT: It isn't necessary, I'll sustain the objection. And Sheriff, let's have it understood that there will be no more outbursts. Go ahead, Mr. Burke.

Q. Did you permit him to contact anybody, his lawyer, his mother, or his wife?

MR. BILL: Objection on the use of the word "permit".

THE COURT: I will sustain it.

Q. Did he ask you to contact his mother, his wife, or his lawyer, Monday, Tuesday - I mean Saturday, Sunday, or Monday, Lieutenant? A. No, sir.

MR. BILL: Objection, there is two many questions in one.

THE COURT: I will allow it. He has answered it. Go ahead. Mr. Burke.

Q. On Tuesday, was it, or was it Monday that you took him to the police station in New Britain?

A. Monday.

Q. And his mother was there? A. Tuesday his mother was there when he went to court.

Q. So she was not there on Monday? A. I didn't see her.

Q. So on Tuesday you took him to Court in New Britain and his mother was there? A. Yes.

Q. And did you permit him to talk to her? A. I not only permitted him, I made arrangements so that he could talk to her in privacy. Yes, sir.

Q. In privacy? A. Yes, sir.

Q. Were you there while they talked? A. Most of the time.

Q. So the privacy his mother - he and his mother talked in was with you? A. As much privacy as you could give a man under those circumstances, Mr. Burke, yes, sir.

Q. So you and his mother and himself and his sister talked, didn't you? A. That is correct.

Q. And what did you ask his mother to do?

A. His mother asked me whether or not he -

MR. BURKE: May I have that stricken, Your Honor, and the question read?

THE COURT: Yes, it may go out and it may be read.

A. Lieutenant, listen to the question and please try to answer the question that is asked. Go ahead, Mr. Burke, read it.

(Last question read by reporter)

A. I don't know.

Q. You don't recall? Do you recall his mother saying to you in the prosecutor's office - that's where you were, wasn't it? A. That is correct.

Q. In New Britain? A. Yes, sir.

Q. Do you recall her saying to you and to Joseph that he should get a lawyer, and you answering "This is only an investigation. He doesn't need a lawyer now." A. No, sir.

Q. Now, in the court in New Britain Taborsky was never put to plea, was he? A. I don't recall that he was.

Q. In fact, the case wasn't even called, was it, Lieutenant? A. I don't know.

Q. Now, on Sunday you talked to Taborsky several times, as I understand it, through the day? A. I don't know how many times.

Q. And you enumerated the murders and robberies that had been committed and you were questioning him about it? A. Yes.

Q. And you asked him if he knew anything about it and he told you nothing, didn't he? A. Words to that effect.

Q. You told him, did you not, he was a cool cucumber, but that eventually you would get a confession; do you recall that? A. Not in those words.

Q. Well, what did you say - what words? A. I may have called him a cool cucumber, an said I had the confidence he would eventually tell the truth.

Q. You didn't say that, did you Lieutenant; what you said was that you would eventually get a confession?
A. I don't recall that.

Q. Didn't you also say to him: "You know, Taborsky, we've got the goods on you. Why don't you make it easy on yourself and your family?" A. No, sir.

Q. You didn't say that at all? A. No, sir.

Q. You didn't say that down at the restaurant when you were having supper, and he answered you: "That's your job?" Do you recall that? A. No, sir, that was not — He answered, "That's your job" in my directly accusing him of being the one directly responsible for these many murders.

Q. What day was it you came into the room you had him in and shouting: "You had better get a doctor for that fellow?"

MR. BILL: Objection, Your Honor. He never had said that.

THE COURT: Sustained.

Q. Did you do that, Lieutenant? A. No, sir.

Q. You talked to him on Monday night again - Taborsky I mean? A. I may have.

Q. What did you question him about? A. Murder.

Q. You didn't just question him about murder, did you Lieutenant? A. That was the subject, Mr. Burke.

Q. You mean different murders? A. The many murders in this area.

Q. And he denied knowing anything about them, didn't he? A. If you are talking about Monday, yes, sir.

Q. I am talking about Monday. You told him that on Monday night. Do you recall coming into the room and telling him that Culombe was talking and are you going to take a rap - he has put it all on you? A. I don't remember that.

Q. You won't deny you said it? A. I feel certain I didn't say it.

Q. Didn't you ask him just after that when he denied — when he told you he didn't care what Culombe was

saying — you asked him: "Are you willing to take a lie-detector test?" Do you recall asking him about that?

A. I think I did talk about a lie-detector test.

Q. And he said he would take one, didn't he?

A. Yes, he did.

Q. And you recall telling him: "You were lucky once, Taborsky, but we'll fix you this time?" A. No, sir, I didn't use the word "fix".

Q. Did you say something of that substance?

A. Yes, sir.

Q. What did you say, if you remember? A. I remember only that during the conversation I am sure I said he was lucky once before.

Q. What else did you say? A. His luck will soon run out.

Q. You told him you would get him this time?

A. No, sir.

Q. Words to that effect? A. Not to that effect.

Q. All through these days, Saturday and Sunday and Monday, did you talk about his mother to him? A. I feel sure I did, Mr. Burke.

Q. And you kept telling him about his mother all the time, didn't you? A. I am certain I talked about his mother.

Q. And you told him she would feel a lot better if he would confess to these murders? A. Yes, I think so.

Q. And at the same time, Lieutenant, you were calling her, weren't you? A. No, sir.

Q. How many times did you call her? A. I don't know, but there were very few times. She called me.

MR. BILL: May I inquire within what time this was in days?

MR. BURKE: Yes, we are talking of from Saturday, February 23, 1957 to Friday, March 1.

Q. You understand that is the period we are talking about - just prior to the so-called confession? A. Which so-called confession?

Q. The one you claim Taborsky made? A. Yes.

MR. BURKE: I am sorry, Your Honor. I shouldn't be asking these questions - or answering them.

THE COURT: I will forgive you this time, Mr. Burke.

Q. Now, on Wednesday you left Taborsky alone and let him stay up at the County Jail all day, didn't you?
A. On Wednesday we were busy on another matter, yes, sir.

MR. BURKE: May that answer be stricken and may I have the question read?

THE COURT: I don't think it's necessary to read it, but I will strike out the last part of the answer and will allow "Yes, sir" to stand.

Q. On Tuesday morning at 8:30 you borrowed Taborsky from the jail?

MR. BILL: Is that a question?

MR. BURKE: Yes.

MR. BILL: We have been through it 5,000 times.

THE COURT: That may be an exaggeration; it may seem like that.

Q. You took him out of the jail Thursday morning, didn't you? A. I removed Joseph Taborsky from the County Jail Thursday morning.

Q. We have gone into that, as Mr. Bill says. Where did you take him? A. We stopped in front of the Hartford Courant.

Q. And you went and got a newspaper? A. Yes.

Q. And the newspaper had a headline on the Culombe confession? A. Yes.

Q. And you wanted to show Taborsky that headline? A. I certainly did.

Q. You thought that would have some effect on Taborsky? A. I certainly did.

Q. And you were hoping it would? A. It did.

Q. And at the same time he was reading the headline you were talking about his mother? A. I don't recall that.

Q. You don't recall telling him if he did the same thing it would ease his mother's conscience and feelings and she would feel better - you don't recall that? A. No, I didn't.

Q. Then after this court hearing here on Thursday when you were in this court, didn't Judge Bordon order you to take care of him properly? A. Yes, sir, and I complied with that order directly.

Q. And didn't Taborsky in the court ask for a lawyer? A. In the court Taborsky said he didn't want a lawyer.

Q. You were here, Lieutenant? A. I was.

MR. BILL: Well, there were many court appearances.

Q. You know the one I mean. Will that refresh your recollection, Lieutenant?

THE COURT: I understood you were referring to the court on Thursday?

MR. BURKE: Yes, Your Honor.

Q. Page 2. Does that refresh your recollection?
A. May I finish; please?

Q. Does that refresh your recollection, Lieutenant?
A. I am reading from your reference to page 2.

THE COURT: The question is: Does it refresh your recollection?

A. Yes, sir.

Q. Do you recall what happened? A. Yes, sir.

Q. Didn't Taborsky ask for a lawyer? A. Yes, sir.

Q. So you were a little confused when you said that?
A. No, sir.

Q. After he left this court you took him under your wing across the street? A. Yes, sir.

Q. Do you recall Taborsky saying: "Would I be able to wash up like I haven't been able to do for almost a week?" A. Are you referring to what happened in the court?

Q. I am referring to what happened in this court on February 28. A. Yes, sir.

Q. Your answer to that was that if he had requested to wash up before, it would have been complied with, but you didn't know he made such a request? A. Yes, sir.

Q. That is what you said? A. That is the truth.

Q. And Taborsky asked you: "Well, you can see by the beard on my face", and that is when the judge asked you if you would give this man every opportunity to wash and shave and rest? A. Yes, sir.

Q. Prior to that you didn't do it? A. I didn't understand.

Q. Prior to what the court ordered you didn't give him an opportunity to wash up and shave? A. I gave him an opportunity to wash up; we don't furnish a valet service over there.

Q. You don't furnish soap either, do you?

THE COURT: We covered that pretty adequately, Mr. Burke.

Q. After you left here you took him over across the street for further questioning? A. Yes, sir.

Q. And questioned him until what time - Thursday, February 28? A. He was questioned for a very, very short time. I went over to New Britain, and my instructions were to feed him and bring him back to the County Jail.

Q. Did you take him to New Britain? A. I took Culombe; I didn't take him.

Q. Where did you leave him when you took Culombe? A. I left him at the barracks.

Q. When you got back from New Britain did you question him again? A. No, sir. It is not my recollection. He wasn't there; he was at the County Jail.

Q. Didn't you take him back to the County Jail? A. No, I instructed others to take him back.

Q. Then you saw him again on Friday? A. Yes, sir.

Q. What time on Friday morning did you see him? A. I didn't see him Friday morning.

Q. And when did you see him on Friday? A. Friday evening.

Q. Didn't you see him at all on Friday during the daytime? A. Five-thirtyish, yes.

Q. And did you question him some more that afternoon around five o'clock? A. No, sir, I brought his mother to him in our interrogation room.

Q. How did he get from the County Jail to the barracks, Lieutenant, on Friday? A. I don't know whether I went for him or sent someone to get him.

Q. What time was that? A. Five o'clock.

Q. Not earlier? A. Thereabouts; I doubt if it was.

Q. When you brought him to the barracks his mother wasn't there then, was she? A. I don't know; I think she was down having some coffee with me.

Q. Didn't you send out to get her about 5:30?
A. I don't recall now who arrived at the barracks first.

Q. Isn't it a fact that while you were waiting for her to come you were talking to Taborsky about his mother? A. I could have been; I am not sure of that. Mr. Burke.

Q. And did you talk to him in this way - maybe not in these exact words, but in substance: "Your mother is a very fine woman, and she was afraid herself when all these crimes were occurring, and now she doesn't know what to say. She is suffering more than you are?" Did you tell him that or words to that effect? A. The words are not familiar. I talked to Joe about his mother.

Q. I don't mean the same words - I mean that in substance. A. In substance I told Joseph Taborsky - I talked to him about his mother.

Q. And didn't you in substance tell him about her suffering? A. I don't recall that. It could be. I could have said that.

Q. Didn't you also ask him at the time, "Where did you meet that imbecilic Culombe?" A. No, sir.

Q. Didn't you say: "You know yourself we are going to get your confession, no matter how long it takes or what it does?" A. No, sir.

Q. Did you say anything in substance like that, Lieutenant? A. No, sir.

Q. Then didn't you say: "Wouldn't it help if we brought your mother in here?" Didn't you say words to that effect? A. I prepared him for the meeting with his mother.

Q. And by preparing you told him how she was suffering and how she believe him guilty; is that what you mean? A. No, I remember knowing she wanted to see him, and she was either at the barracks or on the way.

Q. And you wanted him to know she was suffering? A. I don't recall using that word, Mr. Burke.

Q. Well, words to that effect, Lieutenant? A. I don't recall words to that effect.

Q. You also told him, didn't you, Lieutenant, during this talk or interrogation, at one time or another — I don't know exactly when — that you thought whoever was killing these people disliked Jews? Do you recall that.

MR. BILL: Excuse me. May I have that question, Your Honor?

THE COURT: Yes. Read it, Mr. Burke.

(Last question read by reporter.)

A. I recall a similar conversation, but those words were not used; no, sir.

Q. Similar words were? In substance that's what you said? A. No. I asked him if he disliked Jews.

Q. And then didn't you tell him that's why you asked him that question? A. Yes, sir.

Q. And didn't he tell you or ask you why you asked him that, since his lawyer was Nathaniel Bergman, to whom he owed a great debt of gratitude? A. That's true.

Q. That all went on, didn't it, Lieutenant? A. It did.

Q. But all through this examination and interrogation you constantly referred to his mother and how she was suffering, didn't you? A. I didn't say that.

Q. Well, you were referring to his mother constantly, weren't you? A. I wouldn't say constantly, Mr. Burke.

Q. Well, would you say quite frequently? A. On occasion.

Q. And quite often on occasion?

MR. BILL: Objection, Your Honor. I don't know what that means.

THE COURT: I'll sustain it.

MR. BURKE: I don't care what the State's Attorney —

THE COURT: I'm sure you don't; but I'm not sustaining it because he doesn't understand it. I am sustaining it because I don't understand it. Now, go on, Mr. Burke.

Q. You knew he had a great affection for his mother, didn't you? A. Yes, sir.

Q. And you knew that was a soft spot in him, didn't you? A. He stated that the first night I talked to him.

Q. That's why you kept referring to her all this time? A. That could be one of the reasons, Mr. Burke.

Q. So then on Friday you brought her down from her home, didn't you? A. She asked to see her son, and I afforded her transportation; yes, sir.

Q. Didn't you call her, Lieutenant, or your office call her? A. No, sir.

Q. She called you? A. The call was made in reference to a call she had made a day or so earlier.

Q. Oh, a day or so earlier she had called and asked to see her son? A. Yes.

Q. And you didn't call her back until Friday?

A. I'm sorry. A day or so earlier she had called to tell me —

Q. Would you go on? A. — not to believe a statement she had read in the paper concerning her feeling of innocence towards her son, or words to that effect. That was the call.

Q. She called you to tell you she thought her son was guilty? A. No. She called me to tell me not to believe a statement that she had read in the newspapers concerning something she had made concerning her son's innocence or guilt. The press misquoted her, Mr. Burke, and she wanted me to know that.

Q. At any rate, you called her back on Friday?

A. No. As a result of that — in furtherance of that she wanted to know when she could see her son.

Q. What day did she call you? A. I don't remember the day.

Q. It was before Friday? A. It could have been Friday morning.

Q. It could have been Wednesday, too? A. No; it wasn't Wednesday.

Q. What day was he in the county jail? Wednesday, all day? A. Yes, sir.

THE COURT: We'll stop here, Mr. Burke. You may escort the accused from the Courtroom.

(Accused escorted from Courtroom.)

THE COURT: Short recess, Sheriff.

(Recess at 3:27 P.M.)

JUNE 13, 1957 - 3:45 P.M.

THE COURT: Bring in the accused, Sheriff.

(Accused present. Jury not present.)

THE COURT: Lieutenant Rome, will you take the stand, please? You may proceed, Mr. Burke?

SAMUEL ROME, resumed the stand and testified further as follows:

CROSS EXAMINATION BY MR. BURKE (Resumed):

MR BURKE: May I have the last question, Your Honor?

THE COURT: Read it, Mr Burke.

(Last three questions and answers read by reporter.)

Q. At any rate, she came to the police station about five-thirty, or the police barracks, or five o'clock? A. Yes, sir.

Q. And you stated that you talked to her for fifteen to thirty minutes? A. Yes, sir.

Q. And you say that you were getting her ready to see her son?

THE COURT: No; he said that the other way, didn't he? My information was he said he prepared him to see his mother. Go ahead and ask it, anyway.

Q. Was that it, Lieutenant? A. No, sir.

Q. What was it? A. I had talked to Joe Taborsky and let him know his mother was coming.

Q. And then you were talking to her? A. I talked to the mother; yes, sir.

Q. And after the mother got there you were talking to her before you permitted her to see him?

A. That is probably it sir.

Q. So that is the way what you testified that you were getting her ready to see her son, as I recall? A. I don't like those words. I talked to Joe Taborsky's mother.

Q. And while you were talking to her you told that you had the evidence on her son, or words to that effect?

A. Or words to that effect.

Q. I don't intend that it should be verbatim. A. No, sir.

Q. You also told her, didn't you, that Culombe was pinning everything on him and blaming everything on Joe? A. I told her that Culombe in his confession had stated that it was her son who did all the killing, yes, sir.

Q. And she was pretty much upset by that, wasn't she? A. Mrs. Taborsky had read the newspapers and knew about this.

MR. BURKE: May I have the question re-read and the answer stricken?

THE COURT. Yes. The answer may go out. Read the question, please, Mr. Burke?

(Last question read by reporter)

A. No, sir.

Q. She was not upset at all? A. Not by that.

Q. Didn't you also go on and tell her that you didn't think that Joseph had done all these killings, but Culombe was blaming him for them? A. Not those words, Mr. Burke.

Q. Well, in substance, Lieutenant? A. That Joe had not alone done all the actual shooting.

Q. And his mother was greatly concerned, wasn't she whether or not he was guilty of all these things Culombe said he was? A. That's right.

Q. And you were talking to her about that?
A. About the extent of his implication, the extent of his involvement in these crimes, yes, sir.

Q. And you wanted her to help you find out just how much he was involved? A. No, sir, I wanted her to help, but it was Mrs. Taborsky's idea to find out for herself.

Q. Didn't you ask her to talk to her son and find out what he was involved in? A. To help clarify it, yes, sir.

Q. You wanted her to help you get a confession, didn't you, Lieutenant? A. I have an idea at the back of my mind.

Q. You know that that is so, don't you?

THE COURT: He said so two or three times, that was his intent.

MR. BURKE: He never said so outwardly.

THE COURT: He said it so that I so understood it. Go ahead, Mr. Burke.

Q. Now, that is what the discussion was about before you brought her in to see Joesph? A. Yes, sir.

Q. And you had her pretty well convinced that he was involved in these things, too, didn't you, Lieutenant?
A. Mrs. Taborsky was convinced that her son was involved, I believe, but to what extent she was determined to find out for herself.

Q. Didn't you convince her while you were talking to her that her son was involved to these killings?

A. Yes, sir.

Q. Now, when you brought him up, you brought him up to what room? A. To the interrogation room.

Q. And did you handcuff him to a chair or table?

A. I think that he was handcuffed to Officer Robert Remer.

Q. He was handcuffed to the chair Remer was behind, wasn't he, Lieutenant? A. I repeat I think that he was handcuffed to Officer Remer.

Q. And he was seated in a chair when his mother was brought in? A. Yes, sir.

Q. And then you came in with her? A. I brought her in.

Q. And she was in pretty bad shape then? A. No, sir.

Q. She was not upset? A. I'd say that she was upset, but not in pretty bad shape, Mr. Burke.

Q. And when she came in she said to her son, did she not "Have you really committed the crimes the police say you have?" Do you recall her saying that? A. I don't remember. I wouldn't remember the exact words, but she asked him to confess.

Q. And you recall that he was crying and so was she? A. A bit later. Not right away.

Q. And you recall that she told him about people who were threatening her and calling her? This is all prior to his saying anything. Do you recall that, don't you? A. I can't recall that, Mr. Burke.

Q. Do you recall your telling Joe -- do you recall Officer Remer telling Joseph "Your mother has gone

through enough. Tell us everything and make her feel better." Do you recall him saying that? A. Officer Remer did very little talking. I don't recall him saying that.

Q. Do you recall him saying words to that effect? A. No, sir. Yet he could have.

Q. He could have said it? A. I don't recall Officer Remer - I don't recall any words that he said.

Q. And wasn't that the time that Joseph started to cry and his mother did, too? A. No, sir.

Q. And isn't that when you asked him to again - or again asked him to tell her how he was involved in these things? A. I don't understand that question.

Q. Well, at the time they were both crying you were there, Remer was there? A. I was there.

Q. Who else was there? A. Joseph Taborsky and his mother.

Q. And they were both crying there and you told Joseph to tell what he knew about these things so his mother would feel better? A. No, sir. His mother was at that point - his mother was crying and brought out some tears from Joe. She had told him that she would still love him and she wanted him to please tell the truth, "You can say it now."

Q. And you were right behind her, telling him to, weren't you? A. I was almost in between them.

Q. You were urging him, too, to tell the truth and make his mother feel better? A. I was urging him to tell the truth, Mr. Burke.

Q. And make his mother feel better? A. It wasn't -

THE COURT: No, did you say that or didn't you?

A. No, I didn't.

Q. Didn't you, after, Lieutenant, when Mr. Matus came in that room, didn't you tell Matus that the reason that Joe told you what he did was to make his mother feel better? Do you recall that? A. I don't think that Mr. Matus came in there.

Q. This was after? A. Even after.

Q. After his mother had left? A. Even after.

Q. So after Joe did say yes, he was involved, then you immediately got rid of her, didn't you, asked her to leave? A. I had her removed, or took her from the room, and explained to her and to Joe in order that we may get the details of these murders in writing.

Q. And at that time she was crying pretty heavily, wasn't she, and he was, too? A. No, Joe wasn't crying at all.

Q. He was not crying then? A. No, sir.

Q. Did he cry at all? A. He had cried momentarily when his mother was pleading with him to tell the truth.

Q. Then after she left or you had her taken out, or removed, however you express it, then you brought O'Brien in? A. I asked that Detective Vincent O'Brien come in. Yes, sir.

Q. And who was there when he came in? A. I also asked for Captain Philip Schwartz.

Q. Who else? Was Remer still there? A. Detective Sergeant Donald Paige.

Q. Remer was still there, wasn't he? A. I feel sure Remer remained.

Q. Then you started asking questions, didn't you? A. Yes, sir.

Q. And what you asked him, he would say "yes" or "no"? A. We took a statement in question and answer form. Yes, sir.

Q. This is the statement that you say you took?

THE COURT: Showing him what, Mr. Burke?

MR. BURKE: State's Exhibit DD, Taborsky.

A. Yes, sir.

Q. Now, as you asked him questions, Lieutenant, you were prompting him on what the answers were, weren't you? Let me refresh your recollection. Let's take the cap. Didn't you tell him that the attendant had a green cap with a black visor? A. No, sir.

Q. Didn't say anything about that? A. No, sir.

Q. Well, how much did you prompt him? A. I don't recall prompting him. I may have said - this question "Did you stop anywhere in New Britain?" And his answer was "Yes." And I'd say "Where" and so forth, if you call that prompting.

Q. Well, some of the prompting doesn't appear in here, does it? A. Detective Vincent O'Brien took it all down. It should be all there, Mr. Burke.

Q. Wasn't there some things which he didn't take down when you were framing the question until you got it ready, then you would ask the question and get an answer? A. I would say no, he is a very capable -

Q. I am asking you what you did, Lieutenant?

A. I instructed Detective O'Brien to take this all down, and that is what I believe were the questions and the answers that I asked and were given that day.

Q. After this statement was drawn, as you say it was was it read to Taborsky, or did he read it?

A. No, sir.

Q. He just signed it? A. No, sir.

Q. What did you do? A. That was taken in shorthand.

Q. Yes. A. And it was transcribed, and at a later date we all read it. I read it aloud. Joe Taborsky and the others had a copy, and Joe Taborsky wrote in longhand in his own handwriting "I have read the above statement consisting of eight pages and it is the truth." This was two days after he had given us the statement which was taken by Detective O'Brien in shorthand.

Q. He didn't read it over again, did he? A. We all read it, yes, sir.

Q. You all read it out loud? A. I read it out loud. I gave the others a copy.

Q. Did he have a copy? A. He did.

Q. Did you let him keep the copy? A. No, sir.

Q. You took it back? A. That's right.

Q. You would not have gotten any confession without his mother, would you, Lieutenant? A. I wouldn't say that.

Q. And that is the reason why you had her come down, to get it, isn't it? A. No, sir.

MR. BURKE: That's all.

THE COURT: Mr. Bill, is there anything further?

MR. BILL: No questions.

THE COURT: You may step down, Lieutenant. Call your next witness.

MR. LABELLE: Officer Reimer.

ROBERT RIEMER, a witness called by the State, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Robert Riemer.

Q. And your address? A. Bristol, Connecticut.

DIRECT EXAMINATION BY MR. LABELLE:

Q. You are a member of the State Police Department, are you, Officer? A. I am, sir.

Q. How long have you been a member of the State Police Department? A. Just over five years, sir.

Q. And in the course of your duties as a state policeman, - state police officer, on March 1st were you participating in an investigation concerning Joseph Taborsky? A. I was, sir.

Q. And on that date, March 1st, when did you commence this investigation? A. Concerning Joseph Taborsky, I accompanied Lieutenant Rome and Sergeant Paige to the county jail approximately around five p.m. that day and Joseph was brought back to state police barracks, 100 Washington Street.

Q. That is, Sergeant Paige and Lieutenant Rome and you went to the jail to get him? A. That is correct, sir.

Q. And you brought him back to the barracks? A. Yes, sir.

Q. And that was sometime around five o'clock in the afternoon? A. Approximately five p.m., sir.

Q. When you got back to the barracks where did you go? A. I believe we went up to the third floor, up to the Special Service Division, in the interrogation room.

Q. And who went into the interrogation room?

A. Joseph Taborsky, Sergeant Paige and myself, and Lieutenant Rome, but then he left shortly.

Q. Was anyone else there when you arrived at that room? A. Not at that time, sir.

Q. What was your duty in connection with this - withdraw the question. What were you doing with reference to Taborsky on this occasion? What was your assigned duty? A. Primarily guard duty, I would assume.

Q. Were you taking part in any interrogation or discussion, or questioning? A. I may have said a word or two.

Q. But you were primarily there as a guard?

A. Yes, sir.

Q. Now, when you got to the interrogation room was there a discussion with Joseph Taborsky concerning the investigation? A. Not until Lieutenant Rome came back, I don't believe.

Q. But when you got there Lieutenant Rome left the room immediately? A. I believe that he did, sir.

Q. And you and Sergeant Paige and Taborsky were there? A. I believe that we were there.

Q. And there wasn't any questioning or discussion taking place? A. I don't think that there was, sir.

Q. Then what is the next thing that happened?

A. A short while later Sergeant Paige, I believe, went down to get a bite to eat, and Lieutenant Rome entered the room with Mrs. Taborsky.

Q. That is Taborsky's mother? A. Yes, sir.

Q. And then in the room at that time there was

Taborsky, Mrs. Taborsky, Lieutenant Rome and you?
A. That's right, sir.

Q. No one else? A. No, sir.

Q. When Mrs. Taborsky came into the room with Lieutenant Rome tell the Court what happened?
A. Mrs. Taborsky took a chair opposite Joseph, and they were talking, and I believe that she asked Joseph if he had been involved in these crimes, and that if he were, he should tell her, because she would still love him even though he were involved.

Q. Was there an answer to that by Taborsky?
A. I believe he said that he was involved.

Q. Can you give us his words? A. I can't quote him exactly, but he did again say he was involved in these crimes.

Q. Now, were you present when a further discussion concerning the confession was made or had with his mother and Taborsky? A. Yes, sir.

Q. And was it the details of several incidents including the New Britain one that was discussed? A. They were discussed, yes, sir.

Q. With reference to the New Britain incident, which is the subject of this testimony, do you recall anything that was said by Joseph Taborsky concerning the New Britain affair? A. I believe Joseph mentioned that he had shot a customer who came into a gas station in New Britain and the other fellow, who he did not name, had shot the proprietor.

Q. Were you present in the room when the details of the New Britain affair were eventually taken down by Detective O'Brien? A. Yes, sir.

Q. How long did Mrs. Taborsky stay in the room?
A. I would say about twenty minutes or so.

Q. And after Taborsky said that he was involved and he began to tell something about New Britain, was Mrs. Taborsky there at that time? A. She was, sir.

Q. And concerning the New Britain discussion, particularly with reference to the customer, was Mrs. Taborsky present when Taborsky told you he had shot the customer?
A. I believe she was there at that time.

Q. When Mrs. Taborsky left, is that when Detective O'Brien came in? A. Yes.

Q. And who else came into the room? A. I believe Captain Schwartz, Sergeant Paige and Detective O'Brien entered the room when Mrs. Taborsky left.

Q. And is that the time Lieutenant Rome began to phrase questions to Taborsky and he started to answer?

MR. BURKE: I object to it.

THE COURT: I will sustain it.

Q. I won't press it. After Detective O'Brien and Captain Schwartz and Sergeant Paige came in what was the next thing that occurred? A. Lieutenant Rome started questioning Joseph concerning these various crimes.

Q. Was it questioning and answering for a record?
A. I believe Detective O'Brien was taking them down in shorthand.

Q. And you saw him doing that? A. I saw him in there with a pad writing something down, sir.

Q. I show you State's Exhibit DD for identification and ask you if you can recognize that paper? A. This is the first time I have seen this paper.

Q. You haven't seen this paper? A. No, sir.

Q. And you are not a witness to it? A. No, sir.

Q. So that you don't know anything about the paper yourself? A. No, sir.

Q. But you were present when the questions and answers - the questions were propounded and the answers given? A. I was, sir.

A. And so far as you know they were recorded in shorthand by Detective O'Brien? A. As far as I know, yes.

Q. Was Taborsky sitting down in this room he was in? A. He was, sir.

Q. And where were you with relation to Taborsky?
A. I was sitting to his right side.

Q. Was he handcuffed at anytime to anything or to you? A. No, when we were in the interrogation room he was handcuffed with his hands in front of him.

Q. He was handcuffed by his own hands, but not attached to you or any furniture? A. No, sir.

MR. LABELLE: You may inquire.

THE COURT: Mr. Burke

CROSS EXAMINATION BY MR. BURKE:

Q. Officer Reimer, when Mrs. Taborsky was brought into that room, her son was sitting there handcuffed next to you? A. Yes, sir.

Q. He wasn't handcuffed to the chair? A. No, sir.

Q. You are certain of that? A. Positive, sir.

Q. You were sitting next to him? A. Yes, sir.

Q. Were you standing behind him? A. I was sitting next to him, I believe.

Q. Didn't you get up and stand behind him, however? A. Not that I recall, sir.

Q. When his mother got up did he stand up? A. He may have to greet her.

Q. And they embraced, didn't they? A. I don't recall that, sir.

Q. And you stood up too behind him, didn't you? A. I don't remember, sir.

Q. And when she started talking to him telling him how badly she felt - wasn't she doing that? A. She was concerned for Joseph, yes, sir.

Q. And wasn't she telling him that Lieutenant Rome had told her that Culombe had pinned everything onto her son Joseph? A. That wasn't said in front of me.

Q. You were there, weren't you? A. That is right.

Q. And she asked him if he was involved in this to tell her? A. She told him if he was involved in any of these crimes to tell her, that she would love him just

the same as though he weren't.

Q. Did she say what she would or would not do if he did not talk? A. She said she would love him just the same regardless of his answer.

Q. You were talking at that point, weren't you?
A. I don't believe so.

Q. Didn't you tell him to tell the story and confess to these things - it will make your mother feel better?
A. I thing after he had spoken I told him, "This will make your mother feel better."

Q. You stated that before? A. No, I gave him my handkerchief. He was crying. I believe he was crying when he acknowledged to his mother that he was involved.

Q. And she was crying too? A. Her eyes were damp.

Q. And they were crying prior to that, weren't they?
A. No, I don't remember. I remember him crying when he acknowledged he was involved.

Q. Then you say that after he said he was involved Mrs. Taborsky was taken out of the room? A. Well, I believe she asked him to tell her the people he had shot because the other fellow had frame him for all the shootings.

Q. She said that after he said he was involved?
A. I believe so, sir. That was mentioned anyway.

Q. Then she was taken out of the room? A. I believe Joseph explained to her the details of the various crimes - not the complete details - but so she would know which ones he was involved in.

Q. And while he was explaining it there, Detective Rome was questioning him at the time? A. Some of the time he was questioning him.

Q. And prompting him? A. Not prompting.

Q. What was he doing? A. He may have spoken a few words, but not prompting.

Q. Didn't he say, "How did this happen" - how about this and how about this and how about that other one - naming other incidents? A. I don't think Joseph needed any prompting.

Q. I am asking you if Lieutenant Rome was doing it? A. I don't believe he was prompting anybody.

Q. What was he saying? A. I don't recall.

Q. Do you recall what Mrs. Taborsky was saying at that point? A. I know she mentioned she still loved Joseph irregardless of what he did.

Q. You don't have a clear recollection of the details? A. I was there primarily as as a guard.

Q. Your recollection goes only to what Joseph and his mother said? And not so much as to what Rome had to say? A. There were more words said by Joseph and his mother than I have said.

Q. Don't you remember Lieutenant Rome pushing this thing along? A. I didn't think he was pushing it along.

Q. Didn't he tell Joseph: 'Your mother is feeling better" - as he was talking? A. He told Joseph his mother was probably feeling better when he told the truth.

Q. And you said that several times, didn't you? A. I don't believe so.

Q. And then after Mrs. Taborsky was taken out of there, O'Brien came in? A. Among other people, yes.

Q. And then Lieutenant Rome started to ask some more questions? A. Yes, sir.

Q. And do you recall how these questions were asked?
A. They were asked by Lieutenant Rome.

Q. He would frame a question, wouldn't he, and if Joseph had a one word answer, he would rephrase it again?
A. Well, I can't say that, sir.

Q. You don't recall that? A. He may have. I don't say he didn't.

Q. That is all you know about this thing? A. That's about it, sir.

Q. You were sitting behind Taborsky, weren't you, that day - not to the side of him? A. I believe I was to the side of him - maybe a slight distance to the rear.

Q. And you were leaning over talking into his ear?
A. I was sitting close.

Q. Weren't you leaning over and talking into his ear? A. I told him I thought his mother felt [redacted]r.

Q. Before that. You told him to go ahead and talk - she was in back of him? A. No, sir.

Q. Didn't say anything like that? A. No, sir.

Q. Did you hear his mother say to him that if he didn't confess she wouldn't be his mother any more?
A. No, sir.

Q. You didn't hear that? A. No, sir.

Q. You were there, weren't you? A. Yes, sir.

Q. Your memory is bad? You have a poor memory or a good memory? A. I don't know, sir.

Q. You can't remember any details of this particular thing? A. I didn't make any notes, if that is what you mean.

Q. You don't recall Lieutenant Rome prompting this thing as it went along - both when the mother was there and after she was gone? A. Lieutenant Rome spoke, yes; I don't call it prompting.

MR. BURKE: That is all.

* * * * *

VINCENT O'BRIEN, previously sworn, recalled as a witness by the State.

DIRECT EXAMINATION BY MR. BILL:

Q. Detective O'Brien, whether or not you were present on March 1, 1957 at State Police Headquarters when Joseph Taborsky was there and Lieutenant Rome and some others and a statement was made? A. Yes, sir, I was.

Q. Whether or not you make a record of this statement in shorthand? A. Yes, sir, I did.

Q. Who was asking the questions? A. Lieutenant Rome.

Q. And who was answering the questions?
A. Joseph Taborsky.

Q. About what time was this? A. It started at 6:30 P.M. that evening.

Q. Who was present? A. Captain Schwartz, Lieutenant Rome, Sergeant Paige, Officer Riemer, Joseph Taborsky and I.

Q. Showing you State's Exhibit DD for identification, will you examine that and tell me what that is? A. This is a transcript of the shorthand notes I made that evening - March 1.

Q. That is, the shorthand notes made that evening?

A. It is a transcript of some of the questions and answers.

Q. Now, when you say some of the questions and answers, what does that transcript contain? A. This contains questions put by Lieutenant Rome and answers by Joseph Taborsky concerning the murder in New Britain.

Q. Now, were there other incidents that were questioned about that evening of March 1? A. Yes, sir.

Q. And were they in question and answer form?
A. Yes, sir.

Q. Did you take that down? A. Yes, sir.

MR. BURKE: That is objected to as irrelevant.

THE COURT: I will allow it.

Q. This transcript you have in your hand, I would take it, was prepared at a later date, was it not? A. From my notes, yes, sir.

Q. I will cover that later. Is that the exact verbiage as you heard it - the questions and the answers?
A. Yes, sir.

Q. In other words, was there anything more said in your presence than what you have done there? A. Not to my recollection, sir.

Q. So that as far as you remember, whatever Lieutenant Rome said in the way of a question, it is down there verbatim?

MR. BURKE: I object to it; it is leading and calls for a conclusion.

THE COURT: I will overrule the objection.

MR. BURKE: Exception.

THE COURT: Yes. Will you answer the question?

THE WITNESS: Yes, sir.

A. The answers there - were they taken down just as they were said?

MR. BURKE: Objection. Leading.

THE COURT: Overruled.

MR. BURKE: An exception?

THE COURT: Surely.

THE WITNESS: Yes, sir.

Q. And is that a complete and exact transcript from the stenographic notes that you took that evening at headquarters on March 1 on the questioning in relation to the New Britain affair between Lieutenant Rome and Taborsky?

MR. BURKE: I object to that.

THE COURT: The same reason?

MR. BURKE: Yes, sir. It is the entire statement and it can be only answered by Yes.

THE COURT: Or no - so it isn't leading. I will overrule the objection.

MR. BURKE: Execption?

THE COURT: Surely.

THE WITNESS: Yes, sir.

Q. About how long did that statement take to be made and taken down that evening, do you know?

A. No, sir, I can't - Here is the time when the questioning started.

Q. Is that there? A. I recorded the time as 6:30 P.M. The questioning started then. It ended about 7:50 P.M. The time this New Britain case was discussed - the exact time I do not have.

Q. That was included within the hours you have just stated? A. It was included in that hour and twenty minutes.

Q. And exactly when that between statement was made you don't know? A. No, sir, one incident followed another.

Q. Did there come a time when you did transcribe the notes on the New Britain affair from your stenographic notes? A. Yes, sir.

Q. And when was that? A. On Sunday, March 3.

Q. And is that when it was done? A. That is when it was transcribed by me.

Q. And completed? A. Yes, sir.

Q. And after that was done whether or not you and some others visited Taborsky on that day - Sunday?

A. I did not, no, sir.

Q. You are not a witness to that - I didn't look to see. But you did prepare it, and is that the complete transcript of your notes on the New Britain affair - and I am now referring to State's Exhibit DD for identification.

MR. BURKE: I object to it as leading and repetitious.

THE COURT: I agree. I will sustain the objection.

Q. Did you type it? A. Yes, sir.

MR. BILL: Your witness.

CROSS EXAMINATION BY MR. BURKE:

Q. Do you have your notes with you from which you transcribed this? A. Yes, sir.

Q. Will you get them together, please? A. Yes, sir.

Q. You have it now? A. Yes, sir.

Q. In that book of notes you have - that is written in shorthand? A. Yes, sir.

Q. And any person who knows shorthand can read them? A. I don't know, sir.

Q. This is a system of your own or can anyone read them? A. I studied the Gregg System when I went to school. There are many forms which a person accustomed to writing shorthand might develop in endeavoring to shorten forms which they use frequently.

Q. Now, is there anything in there - those notes you took - that does not appear in the transcript? A. From the time I started until it ended - in those eight or nine pages - everything that is in here is in there.

Q. What is in your notes before the New Britain incident? A. Nothing that I recall.

Q. When you took these notes you stopped - it wasn't a continual question and answer - weren't there period when you stopped and Rome would rephrase or reframe the answer? A. No, there was no reframing. As Lieutenant Rome asked, I wrote it down, and as Taborsky answered I wrote it down.

Q. Did you write everything he asked? A. Everything that was directed at Taborsky during that period.

Q. Did you take down that which was not directed? Were there other questions or other talk that does not appear in your notes? A. After the questioning had been completed there might have been other conversation, but once I started to write - once the questioning started, I started to write, and I continued until it ended.

Q. You took down every word that was said by Rome and Taborsky? A. I believe so, yes, sir.

Q. Were there things that Rome said that do not appear in this transcript? A. Not that I remember.

Q. You don't have them in your notes at any rate? A. Everything that is here in this note book.

Q. Did you go over this and check it against your notes? Did you check it back? A. No, sir.

Q. You say those are the notes? A. Yes, sir.

Q. May I have them, please? I just want the notes that concern this.

THE COURT: There is no reason why he can't take the book part?

MR. BURKE: May I have it marked?

THE COURT: That presents a different question. There may be things there that have no bearing on this.

MR. BURKE: I am just concerned with this portion of the book that concerns the New Britain affair.

THE COURT: May I ask you this before there is any segregation? Is it your purpose now to have it marked for identification?

MR. BURKE: Yes, Your Honor.

THE COURT: Because later, if there is any reason for offering it, it might be necessary that some separation be made. Is that satisfactory, Mr. Bill?

MR. BILL: I didn't hear the claim following Your Honor's statement.

THE COURT: He is entitled to have it marked anyway. If he wants to keep it in for identification it doesn't make too much difference, and if it is claimed later we can remove the parts that are irrelevant.

MR. BILL: Couldn't Detective O'Brien read how many pages there are and have those marked for identification - mark the pages 1, 2 and 3 - would that be in order? Where it winds up and where it starts.

THE COURT: We may be doing a lot of unnecessary fussing. Can you separate them?

THE WITNESS: Well, the part that starts on this page and ends on this page. Up above here deals with another matter.

THE COURT: Suppose you count the pages.

MR. BILL: I will agree to identify the New Britain matter.

THE COURT: Suppose we mark it now, and if it is different later, we will have it explained?

MR. BURKE: All right, Your Honor.

THE COURT: Mark it Defendant Taborsky's Exhibit 2 for identification.

MR. BURKE: Have you the pages segregated?

THE WITNESS: Yes, I am doing it now.

THE COURT: Do you want a clip? Do you remember how many pages there are?

THE WITNESS: Nine full pages and part of two others.

THE COURT: Nine full pages and parts of two pages. Now will you mark that Defendant Taborsky's Exhibit 2 for identification, please?

(11 pages clipped together in notebook marked Taborsky's Exhibit 2 for identification)

Q. Now, prior to the questions and answers by Lieutenant Rome was Joseph Taborsky warned of his Constitutional rights? A. Not in my presence.

MR. BURKE: I think that's all, Your Honor.

THE COURT: Mr. Bill, anything further?

MR. BILL: Nothing further.

THE COURT: You may step down, Officer. Will you call your next witness?

MR. BILL: There's nothing further on Taborsky - the Taborsky confession.

* * * * *

10:15 A.M. - JUNE 14th. 1957

THE COURT: Bring in the accused, Sheriff.

(Accused present)

(Jury and alternates not present)

THE COURT: You may proceed whenever you are ready, Mr. Burke.

MR. BURKE: Yes, Your Honor. Joseph Taborsky.

JOSEPH LOUIS TABORSKY, the accused, having been sworn by Mr. Coburn, testified as follows:

BY THE ASSISTANT CLERK:

Q. Your full name? A. Joseph Louis Taborsky.

Q. And your address? A. Brooklyn, New York.

DIRECT EXAMINATION BY MR. BURKE:

Q. Now, Joseph, on Saturday, Februrary -

THE COURT: Mr. Burke, may I assume that the witness has been properly advised as to his rights and privileges with reference to testifying?

MR. BURKE: Yes, Your Honor, I told the witness.

THE COURT: You may proceed.

Q. Joseph, I want you to recall Saturday, February 23rd. Do you recall at what time and where the police contacted you on that day? A. It was about two o'clock in the afternoon in front of my house - my mother's house on Park Terrace.

Q. And tell us what happened? A. I was getting ready to get into a car and Officer Moran asked me would I come down to the state police barracks for questioning by Lieutenant Rome. He said "You are not under arrest. He just wants to question you," and "will you go?" He said "You can come with me or follow down in the car."

Q. And you did that? A. Yes.

Q. Now, when you arrived at the barracks here on Washington Street was someone waiting for you? What did you do when you arrived there? A. Went upstairs to a large office and sat down near a desk and shortly thereafter Lieutenant Rome came in.

Q. Well, who took you upstairs to the office, if anybody? A. Officer Moran and Officer Griffin.

Q. And were they waiting for you outside the place, or did you meet them inside? A. They had just driven into the driveway and as I got out of the car that I was in they were looking back to see that I came ahead.

Q. Now, did you have anything with you? A. I had two bags with me. One bag contained a bottle of soda and a bottle of whiskey. The other bag contained toilet articles such as shaving cream, lotion, and a tooth brush and tooth paste.

Q. What size bags were they? A. Both of them were large bags.

Q. Now, you were upstairs in the office and you say Lieutenant Rome came in? A. Yes, sir.

Q. Did you have the bags with you when Lieutenant Rome came in? A. Yes, sir.

Q. And where were they? A. I believe that I still had them in my arms.

Q. And did he say anything about the bags?

A. He said, "You can set them down." He said that he was glad to meet me.

Q. And just what did he do then? A. He says, "We are in the course of an investigation and we are questioning different people and we would like to question you."

Q. And did he question you? A. He started to question me, yes.

Q. And how long did he question you? A. He questioned me for a short while.

Q. And then what happened? A. He then said "Can I see your wallet?" I gave him my wallet and he looked through it, took out things. Then he went through my pockets.

Q. Did he search you? A. Yes, sir, he searched me.

Q. And did he give you back your wallet?
A. After he had taken some things, he did.

Q. And then what happened? A. Then he said "I would like you and another fellow to go around with my men and have some witnesses view you; and if you are not identified you will be allowed to return to Brooklyn immediately."

Q. Now, this other fellow was Culombe? A. Yes, sir.

Q. And when did you see him at the barracks?
A. I didn't see him until they brought me out and put me in a car to take me to be viewed by somebody.

Q. And who was with you in the car - oh, before that, did you leave your packages with Lieutenant Rome or did you take them with you? A. He told me that I could take them with me so that if nobody identified me I would be able to go to Brooklyn immediately.

Q. And you took the packages in your arm and went out? A. Yes, sir.

Q. With these other officers? A. Yes, sir.

Q. Now, who were the other officers? A. Officer Moran, Officer Griffin and Sergeant Paige.

Q. And where did you go? A. Went to the rear of the State Police Barracks downstairs, got into a state police cruiser. Culombe and I were sitting in the back, the rear of the cruiser, with Officer Moran sitting next to Culombe. Officer Griffin was driving and Sergeant Paige was sitting next to Officer Griffin.

Q. Then where did you drive to? A. We drove to Coventry.

Q. And did you stop in Coventry? A. Yes.

Q. And what happened there? A. We were brought into a store and told to make believe that we wanted to buy something, and there was different people in there, some policemen that I don't know who they were.

Q. Then did you leave the store and go to the car? A. Yes.

Q. And what happened in the car, if anything? A. Culombe and I had a short drink of whiskey, and then -

Q. Who was in the car when you had the drink of whiskey? A. Officer Griffin.

Q. Did he see you drinking the whiskey?

MR. BILL: Objection.

THE COURT: Sustained.

A. Officer Griffin saw us drink the whiskey -

THE COURT: The answer may go out.

Q. Don't answer the questions when the judge sustains the objection. Officer Griffin was sitting there in the car when you were drinking the whiskey? A. Behind the steering wheel.

Q. Behind the steering wheel? Did you ask him if you could drink? A. I told him I was dry, and I had the whiskey and soda with me. He says "Go ahead and drink some."

Q. So you did? A. Yes, sir.

Q. Now, after a while did Lieutenant Paige come out of the store - I mean Sergeant Paige? A. Sergeant Paige and some people came out of the store, yes.

Q. And you later left the store, left Coventry?
A. After they had put us in front of some kind of pumps, or something.

MR. BILL: May I have that answer?

THE COURT: Yes, read it, Mr. Burke.

(Last answer read by reporter)

Q. Then you were permitted to go into the car?
A. Yes, sir.

Q. Then where did you go? A. To Rocky Hill.

Q. And what happened at Rocky Hill? A. We drove to a package store.

Q. What happened at the package store? A. Well, after some activity around there by different police officers they told us to go in and make out as if we wanted to buy some whiskey.

Q. Did you do that? A. Yes.

Q. And then did you leave the store after a while?
A. Yes, and returned to the cruiser.

Q. And what happened in the cruiser? A. We finished the whiskey that was in the bottle.

Q. Who was in the cruiser at that time? A. Officer Griffin.

Q. Now, was Sergeant Paige in the package store? A. I believe that he was still in there, yes.

Q. And he eventually came out? A. Yes.

Q. And when he came out did you talk to him or did he talk to you? A. I believe that they talked something about "Shall we go for a bite to eat before we return to the barracks?"

Q. And did Sergeant Paige say anything about the liquor? A. Not right then, no.

Q. Then you left the package store and where did you go? A. Went to a diner. I believe that it is in Wethersfield somewhere.

Q. And what happened there? A. We had -

Q. Who was driving the car when you reached the diner? A. Officer Griffin was driving all during that trip.

Q. And Sergeant Paige was in the front seat? A. And Officer Moran in the rear.

Q. Now, when you arrived at the diner did you throw something away? A. I asked -

MR. BILL: Well, Your Honor, I think that he shouldn't lead the witness. I object to the question.

THE COURT: Well, I am going to permit it. Answer the question, if you will.

A. Yes.

Q. What? A. The whiskey bottle and the soda bottle.

Q. Did you throw them away? A. I had an officer throw them away.

Q. Was Sergeant Paige there at that time? A. He saw the officer throw it away.

Q. Did he say anything?

MR. BILL: I move that that be stricken, Your Honor.

MR. BURKE: I claim it, Your Honor.

MR. BILL: What somebody saw.

THE COURT: I will allow it to stand. Go ahead, Mr. Burke.

Q. Did Sergeant Paige say anything? A. He says "What did you do, drink all the whiskey you had?"

Q. Did you answer that? A. I said "Well, what else is it for?"

Q. And after the officer threw the whiskey in the rubbish barrel you all went in and ate? A. Yes.

Q. And after you ate did you return to the barracks? A. Yes.

Q. And about what time did you return, if you can recall? A. I would say that it was about six o'clock.

Q. About six o'clock? Now, when you returned to the barracks who did you see, if anybody? A. I saw Lieutenant Rome upstairs in his office.

Q. And was Lieutenant Rome alone when you saw him? A. Yes, he was alone when I first come up there, yes.

Q. And what happened? A. Well, he started to question me about different things.

Q. An how long did the questioning continue?

A. On and off, he was going in and out of the office at times. It continued until ten or eleven at night.

Q. Now, during this questioning, he was questioning you about crimes, was he, different crimes? A. Yes.

Q. And did he - did you at any time ask Lieutenant Rome to call your lawyer? A. Towards the end of it, yes, sir.

Q. And what did he say to that? A. He said "You don't need a lawyer now. Later."

Q. And did you ask to get in touch with any friends or relatives that night? A. No.

Q. All right. Now, around ten or eleven o'clock you say that the questioning ceased. Then what happened? A. Well, for a minute there I was assuming that he was going to let me go back to Brooklyn.

Q. Had he told you that? A. He had told me earlier in the day that as soon as we returned if nobody had identified me I would be let go.

Q. So it comes now eleven or twelve o'clock at night and the questioning had ceased, and what did Lieutenant Rome do then, or say then? A. Well, that was about the time also that I asked for the lawyer, and then he went and talked with Sergeant Paige and the next thing I was led downstairs and locked up.

Q. Now, at that time did Lieutenant Rome tell you that you were under arrest? A. No, sir.

Q. Did Lieutenant Rome ever tell you Saturday, Sunday or Monday that you were under arrest? A. No, sir.

Q. Now, as to this liquor you had, was it a full bottle, or an empty bottle, or half empty, or what? A. It was practically full.

Q. Did anybody else drink out of it besides you and Culombe - I mean in the car? A. Not in the car, no, sir.

Q. Now, you were taken downstairs and locked in the cell? A. Yes, sir.

Q. And as I recall it, you said that Lieutenant Rome did not tell you you were under arrest? A. No, sir, he didn't.

Q. Who took you down and locked you up?
A. Sergeant Paige.

Q. Where is this cell, or what kind of a cell is it?
A. It is down in the basement and it has two iron bunks, one blanket, one sink with a button that unless you hold it with your hand you can't keep the water running.

Q. Was there any stopper in the sink? A. No stopper - and a toilet.

Q. Now, on the bunks, was there a mattress?
A. No, sir.

Q. One blanket you say? A. Yes, sir.

Q. And was it cold or hot in that cell? A. It was cold in that cell.

Q. You say it had a sink with a push button arrangement to stop the water? A. Yes.

Q. And when you took your finger from the button, did the water continue on or did it stop? A. It stopped.

Q. Was there any stopper in the sink to permit the water to be held there? A. No, sir

Q. Were you able to use that sink to wash yourself or clean up? A. No, sir, there was no soap or towel or nothing - or anything - and I couldn't have washed up holding one hand on the button anyway.

Q. You slept in the cell that night? A. I attempted to.

Q. Were you able to undress and go to sleep?
A. No, sir, it was too cold to go to sleep.

Q. You had to sleep in your clothes? A. Yes, sir.

Q. Did you sleep at all that night? A. I slept some, yes. - not very much.

Q. You didn't sleep very much? A. No, sir.

Q. Now, at what time in the morning were you awakened and by whom? A. I wasn't awakened by anybody - I was awake.

Q. And by that time were you dirty or clean?
A. Well, I was feeling dirty.

Q. And had you had an opportunity to wash at all?
A. No, sir.

Q. You say that the cell was cold and you slept in your clothes. By morning were you cold and hungry?

MR. BILL: Now, Your Honor, I have sat here and listened to a lot of leading questions, and it is time he let him tell his story.

THE COURT: Do you object?

MR. BILL: I object.

THE COURT: I think you had better —

Q. Tell me just how you felt in the morning - the first part of Sunday morning. A. Well, I got out of the bunk there quite early and was wondering what was [illegible] on and was wondering if I was going to get anything [illegible]eat. Some time later in the morning somebody - two people came in - I have no idea who they were - and I don't know to this day who they are - and asked me if

I wanted a sandwich and a cup of coffee, and I said, "Yes", and I would say they brought a sandwich and a cup of coffee back to me about ten in the morning.

Q. Now, what time that morning did you see Lieutenant Rome, if you saw him at all? A. I saw him shortly after I received the sandwich just for a minute downstairs.

Q. Did he have anything to say at that time?
A. He just says, "How are you doing," to me.

Q. Did you see him later? A. I saw him around noon or a little after.

Q. Now, on Sunday morning when he said, "How are you doing," did you tell him about the conditions in the cell?

MR. BILL: I object, Your Honor.

THE COURT: It is leading.

Q. I will rephrase it.

MR. BILL: Well, it is in there now.

THE COURT: It is leading.

MR. BURKE: I have been listening to leading question all week.

THE COURT: I understand you have. It is leading. I think you had better ask direct questions at this time.

Q. What did Lieutenant Rome have to say, if he said anything, besides, "How are you doing?" A. He said he would see me later.

Q. And at that time did you or were you able to tell him the condition of the cell? A. I told it to him in the afternoon.

Q. And what did he say about it when you told him?
A. He says he would see what he could do.

Q. Did he do anything? A. Not all of the time I was there.

Q. Now, you saw Lieutenant Rome again in the afternoon? A. Yes.

Q. Where? A. Upstairs.

Q. And what happened then - more questioning? A. At one time during the afternoon I was brought in to some kind of a lounge room and told to walk around in front of some people - different people - and then I was questioned by Lieutenant Rome later.

Q. How long did the questioning continue? A. I was questioned on and off, sometime by Lieutenant Rome, and a little bit by Sergeant Paige or different police officers that were around different places there until that evening.

Q. About what time that evening? A. Until they brought me out to get something to eat at a restaurant.

Q. Now, what time would you say that was to your best recollection? A. I would say about seven o'clock.

Q. Now, from in the morning when you were given a sandwich to seven o'clock at night were you furnished with any food at all? A. No, sir.

Q. Now during Sunday, up until that hour on Sunday night were you furnished with any soap or towels or water with which to wash? A. No, sir.

Q. You say you were taken out to get something to eat - by whom? A. By Lieutenant Rome and County Detective Matus.

Q. And where did you go? A. To a restaurant near the corner of Park and Washington Street.

Q. And while you were there at the restaurant did Lieutenant Rome question you there too? A. Well, he was questioning me.

Q. What did he say? A. He was talking about different crimes and what pressure the State Police were under because of the people of the State of Connecticut, and he said that he believed I had something to do with it and he was going to prove it.

Q. Did you answer that? A. I told him it was his job to prove anything that he could.

Q. Now, how long did you stay in the restaurant?
A. About an hour, I guess.

Q. And then where did you go? A. Returned to the barracks. A. There was more questioning by Lieutenant Rome.

Q. And how late did the questioning continue?
A. Ot least until twelve o'clock.

Q. Now, during Sunday and on Saturday afternoon and night did Lieutenant Rome mention your mother?
A. Saturday during part of the questioning he mentioned my mother, saying that it is too bad we have to bother the families of people we pick up. He said from what he understood I had a very nice mother, and also from what he understood I had a very nice wife.

Q. Now, on Sunday, you say Sunday night he questioned you again until about midnight? A. Yes, sir.

Q. Then what happened? A. Well, during the course of that questioning he brought up my mother quite frequently and said that he had had some men talking with her and how wonderful a person she was - and it is a shame she has to go through all this trouble and heartaches and having neighbors looking at her and things like that, and that night also I asked for an attorney and was told "later".

Q. And when you asked for a lawyer you asked for a specific one, did you? A. Saturday night I asked for Nathaniel Bergman.

Q. He had been your lawyer before? A. Yes, sir.

Q. And on Sunday you were again asking —

MR. BILL: I object to that.

THE COURT: I am going to allow it.

A. I asked - I just said, "How about letting me get a lawyer now?"

Q. And what did Lieutenant Rome say to that?
A. He says, "Later."

Q. And then you say you were again locked up at midnight in the cell downstairs? A. Yes, sir.

Q. Now, was the cell in the same condition it was Saturday night? A. Yes, sir.

Q. And was there any soap or towels there? A. No, sir.

Q. Was that sink so that you could use it? A. No, sir.

Q. What kind of bedclothes were on the bunk?
A. One blanket.

Q. Now, how did you sleep that night? A With my clothes on wrapped in a blanket.

Q. Now, did you sleep at all that night? A. Some.

Q. And in the morning when did you first see anybody? A. I don't know the exact time - it was about eight o'clock probably.

Q. And were you fed? A. I had about three pancakes - I believe they were.

Q. At about eight o'clock? A. Yes - and coffee.

Q. Now, at that time or anytime during Monday

did you again complain to Lieutenant Rome about the conditions of the cell? A. I complained everyday to him.

Q. What did he say? A. He pushed me off all the time about - "Later, later" - or said he would see what he could do.

Q. Now, by Monday morning had you had any opportunity to clean up since Saturday? A. No, sir.

Q. Had you shaven? A. No, sir.

Q. And you hadn't washed? A. No, sir.

Q. Now, on Monday morning did you see Lieutenant Rome? A. Monday morning I was brought to New Britain sometime during that morning.

Q. And who took you to New Britain? A. I was in a car - I know Lieutenant Rome was in that car.

Q. And where did you go in New Britain? A. We went to a Police Station there.

Q. And what happened there? A. I was led through or pushed - would be the right word - through a crowd - a threatening crowd - and brought to before a sort of a booking desk in the Police Station and asked questions by some policeman back of a desk; and then after being photographed and fingerprinted by somebody in the Police Station there, I was brought to a Detective Bureau and I was seated near an iron table or a metal table. Arthur Culombe was sitting at the other side of the metal table. Lieutenant Rome went into an office - I don't know whose office it was, but he went into an office. There was photographers in that Detective Bureau taking pictures of different angles. There was different people sitting around - I don't know who they were - I saw one of them on the stand here, but at that time I didn't know who they were - looking, and things like that.

Q. Now, did you talk to Lieutenant Rome down there?
A. Well, he was in an office there.

Q. Well, did anyone down there tell you you were under arrest? A. No, sir.

Q. Did anyone tell you down there you were charged with any particular crime or offense? A. They didn't tell me, no, sir.

Q. Did anyone down there tell you that you could get a lawyer? A. No, sir.

Q. Did anyone down there tell you you were entitled to counsel? A. No, sir.

Q. Did you ask for counsel on Monday? A. I had asked Lieutenant Rome the night before and later on Monday I did ask Lieutenant Rome, but down at the Police Station I didn't have a chance to ask for anything.

Q. Well, later on in the day you say you asked Lieutenant Rome to be permitted to see a lawyer?
A. Yes.

Q. What was his answer to that? A. It was about the same as the night before - later - yes, that is right - that night he says, "Later" - something like that.

Q. Now, after awhile you left the Police Station in New Britain? A. Yes.

Q. And where did you go? A. Well —

Q. And who took you? A. I know Lieutenant Rome was in the car in the front seat, and we drove toward Hartford and he told the driver to pull up into a gas station. When he pulled up into a gas station Lieutenant Rome asked me - he says, "Do you recognize this." I says, "No." He says, "You have never been here before?" I says "No, sir." He says, "Look around," so I looked around.

Q. Did you get out of the car? A. No, sir, I just kept looking around in the car. He told me to look at it closely and I did.

Q. And then what happened? A. Then he told the driver to continue on back to Hartford.

Q. And you got back to the barracks? A. Yes, sir.

Q. And then what happened - what time did you get back to the barracks? A. It was after noontime.

Q. Afternoon?

THE COURT: No, after noontime, he says.

THE WITNESS: After noontime.

Q. Was it early afternoon or late afternoon? A. I believe it was early afternoon. I believe we went into a dining room there.

Q. Well, after you left the dining room were you questioned further by Lieutenant Rome? A. Yes, I was brought upstairs and questioned further by Lieutenant Rome.

Q. And what did he question you about? A. He questioned me about murders that had been committed in Connecticut. He accused me of being guilty and telling me that I had gotten away with something once before and I wasn't going to get away with it now no matter what I did, and he said — I believe that is the day he came in and looked over his shoulder and says in a loud voice so that I would hear - he said, "You had better get a doctor for that fellow." And during the questioning I asked for an attorney and he says "You'll get an attorney when we are good and ready to let you get one."

Q. This was on Monday afternoon? A. No - oh, I was thinking of Tuesday. Monday he didn't come in.

Monday he didn't come in and say about getting a doctor for somebody.

Q. That happened on Tuesday? A. That happened on Tuesday.

Q. Now, on Monday did you ask him to permit you to contact a lawyer? A. Yes, sir.

Q. And what was his answer? A. That day it was "Later."

Q. After he questioned you at what time did the questioning stop? A. I was questioned - most of those nights were very late, so it must have been at the earliest eleven o'clock.

Q. Well, on Monday night were you taken to the county jail? A. No, sir.

Q. Now, on Monday night after he finished questioning at night you were returned to your cell? A. Yes.

Q. In the barracks? A. Yes, sir.

Q. Now, what was the condition of the cell that night? A. The same as it had been since I had been put in there.

Q. Was there any soap, or water, or towels that you could use to wash? A. No, sir.

Q. And did the bed have any more bed clothes on it? A. No, sir.

Q. Had you asked Lieutenant Rome, or told him about the conditions in the cell? A. I showed him when I came in front of him, I said, "I look pretty nice, don't I?"

Q. What did he say to that? A. He said "What's the matter?" I said "Well, I can't wash or anything."

Q. What did he say? A. He says "We will take care of that."

Q. Did he take care of it? A. No, sir.

Q. Now, this Monday night about midnight you were put back into your cell? A. Yes.

Q. As a result of this cold cell and the dirt and the rest of it what effect did that have on you, if any?

A. Well, I was beginning to feel as if I was in some other country. I didn't know what was the matter. I had been told I could leave immediately on Saturday and I wasn't allowed to. I had asked for an attorney and I wasn't allowed to get one, and every time that I did ask for one I was put off with some excuse, and I begin to realize that there wasn't much sense in expecting anything.

Q. Now, on Tuesday morning - oh, did you sleep at all Monday night? A. Some yes, sir.

Q. Were you able to undress and sleep, or how did you sleep? A. I had to keep my clothes on to keep warm.

Q. So that on Tuesday morning about what time did you see somebody? A. It was about the same time as the day before.

Q. And were you fed then? A. Yes. I believe it was the same kind of a breakfast we had the day before, some kind of pancakes, or something.

Q. Then what happened? A. Then I was brought to New Britain through the same sort of crowds that were there the day before. Lieutenant Rome was in the car that I was in.

Q. Now, then, in the morning you saw Lieutenant Rome? A. Yes.

Q. In the morning had you - this was Tuesday morning. Had you any opportunity to wash or clean since Saturday? A. No, sir.

Q. And did Lieutenant Rome tell you where he was

going to take you? A. When they came to get me from the cell they says "Come on, your going to New Britain," and that's the first that I knew.

Q. And did you on Tuesday tell Lieutenant Rome about the conditions of your cell? A. Later on Tuesday, but at that moment I didn't know what was happening and I didn't mention it right then, no.

Q. All right. When you went to New Britain or before you went to the Court in New Britain, were you permitted to clean up at all? A. No, sir.

Q. Were you permitted to shave? A. No, sir.

Q. Did you have anything with which to do those things? A. No, sir.

Q. Then when you arrived in New Britain you went to Court? A. They brought us upstairs and -

Q. Were there lots of people on the street? A. We had to push through them.

Q. And whether or not you heard any threats against you and your safety? A. Yes, I did.

Q. What were they? A. To the effect that "You should get strung up. They should have killed you before." And one drunk came near me.

Q. Well, did the police who were with you say anything to you about this? A. Lieutenant Rome later told me that that is the way the people of Connecticut felt

Q. Did he say anything else? A. He says "So you can see what we are up against."

Q. Then you were brought into court and where were you placed? A. We were brought upstairs through crowds and put into some kind of a pen, in one part of the room was a pen with some kind of bars - screening in

front of it, and I had no idea what we were there for. All I could see was a line, a solid line in front of the screen, of people, policemen, and I don't know if there were any ordinary citizens there, and the crowd, the Court itself was packed and there were television people with hand cameras taking pictures, and there was newspaper photographers taking pictures all over the courtroom. You know, I could see the flashes, and they were trying to poke them into the screen there, and then after sitting there for a while I was brought to a room and my mother and sister were there.

Q. Now, prior to that were there any proceedings that you know of? Do you know whether or not the judge came into the court? A. There was too much noise and confusion for me to know what went on in the court.

Q. Well, were you addressed by the Court at all, by the judge? A. No, sir.

Q. Did you talk with the prosecutor at all? A. No, sir.

Q. Did you hear what was going on? A. No, sir.

Q. Were you asked to plead to any offense? A. No, sir.

Q. Were you asked about, - or did you hear anybody asking about a continuance of the matter? A. No, sir.

Q. Well, did you hear anything of what went on there, so-called court proceedings? A. I only heard noise of people, commotion in the courtroom.

Q. Then after a while you were taken you say, to a room where your mother and sister was? A. Yes.

Q. And who was there with them? A. Lieutenant Rome.

Q. And what did Lieutenant Rome have to say to them? A. When I first came in, my sister and my mother told me that they hoped I were not mixed up in anything, and I told them "I am not mixed up in anything. Don't worry." Then my mother looked at Lieutenant Rome and asked him "Don't you think that we should get him an attorney?" Lieutenant Rome - at the time that she was asking this he was telling somebody to move me out again, and he replied to my mother "He is only being investigated. He does not need an attorney."

Q. Then you were moved out of the room? A. Yes.

Q. And was that all the conversation that you recall that took place in that room? A. That's all I said in that room, because I was - I didn't know what was going on there anyway, I was under a strain.

Q. Now, at that time you were still dirty, were you, and unshaven? A. Yes.

Q. Your clothes, you had slept in them three nights already then, hadn't you? A. Yes, sir.

Q. Now, after you were taken from that room where were you taken to? A. I was - I believe I was put back in the cage for a short while and then we left in the cars that we came in and brought back to Hartford Station Police Barracks

Q While you were in court in New Britain did you at any time know what the proceedings were or what was going on? A. No, sir.

Q. And were you told by anybody or asked by anybody to make any kind of a plea, any kind of a statement, or agree to any kind of a continuance? A. No, sir.

Q. Were you told by anybody the amount of a bond, if any was set? A. No, sir.

Q. You were just hustled out of the place by the police, back to the barracks?

MR. BILL: Objection on this characterization.

THE COURT: I will sustain it on the use of the word "hustled".

Q. You were taken out of the court back to the barracks, in Hartford? A. Yes, sir.

Q. On the way back to Hartford did Lieutenant Rome or anyone else tell you what went on down there or what had happened? A. He didn't tell me anything about the court there.

Q. Did Lieutenant Rome or anyone else tell you the amount of the bond that had been set? A. I don't believe I know.

Q. Did Lieutenant Rome tell you, or any other court official, or anybody else in authority tell you that you were under bond, or could obtain a bond for release?
A. No, sir.

Q. You were just taken back to the barracks?
A. Yes, sir.

Q. And locked up again alone? A. I was questioned that afternoon some more.

Q. And who questioned you? A. Rome, Lieutenant Rome, part of the time.

Q. And he questioned you until about what time?
A. Until about 7:00 or 7:30 that night.

Q. And was that the night that you were taken to the jail? A. Yes, sir.

Q. Now, before you testified that on Tuesday Lieutenant Rome came into the room and made some statement about getting a doctor. What was that all abou.

A. Well, I was sitting near his desk with some other police officers in the room, just sitting around there, and he was in another room off the hallway, and I heard some kind of a racket and then he come in near the doorway and looked back and said "You'd better get a doctor for that other fellow," and then he come in.

Q. Did he continue to question you then? A. He told me - I believe it was about that time that he told me that the other fellow was putting everything on me.

Q. Now, at that time did you ask Lieutenant Rome to permit you to get a lawyer? A. Before he took me to the county jail that night I asked for an attorney, yes, sir.

Q. And what did he say? A. He said "When we get ready we will let you get an attorney."

Q. Then you were taken to the county jail? A. Yes, I believe that it was about eight o'clock, I guess. Seven or eight o'clock

Q. Now, after having been in that cold cell without anything to clean up with -

MR. BILL: Now; I object to this characte ization, Your Honor.

MR. BURKE: Well, that is the testimony, Your Honor.

THE COURT: I don't fancy objections in the middle of the question, because I can't determine at this stage whether it is admissible or not. Go ahead and finish the question, Mr. Burke.

Q. As a result of the conditions in your cell, as you have described, and your inability to reach a lawyer, what effect, if any, did that have on you as of Tuesday night? A. By Tuesday night, especially after seeing they say that my mother looked in the Prosecutor's office

and being told by Rome that she was being hurt, and that people were bothering her and that she was all upset, and every time I asked for an attorney I was put off in one way or the other, I was feeling like an animal that has never washed himself and I was beginning to feel so inferior, and I didn't know what was going on. I was beginning to feel I might as well give up, tell them anything they want, what am I going to do, stay here all my life?

THE COURT: I take it that he has answered your question, Mr. Burke. Go ahead.

Q. Now, you were placed in the county jail on Tuesday night? A. Yes, sir.

Q. And Wednesday morning were you still in the county jail? A. Yes, sir.

Q. And you remained in the county jail all day Wednesday? A. Yes, sir.

Q. And were you questioned at all on Wednesday? A. I was only fed on Wednesday.

MR. BILL: Excuse me, I didn't get the answer.

THE COURT: "I was only fed on Wednesday." Go ahead, Mr. Burke.

Q. On Thursday morning did you again see Lieutenant Rome? A. Thursday morning an officer at the jail came and took me out of my cell, had me put on a jail jacket, brought me to the doorway that leads to the outer office, and Lieutenant Rome was there and they took me out and put me in a car.

Q. And where did they take you to? A. Took me up to the State Police barracks.

Q. Now, you were taken from your cell to the outer gate - the block gate - there at the jail? A. Yes.

Q. And then put into the hall? A. The door was open and there was Lieutenant Rome with some State Police, and they just took me.

Q. They took you to the barracks? A. Yes.

Q. And did you tell them you desired to go with them? A. I wasn't asked anything.

Q. Did you have any choice as to whether you would go or stay at the County Jail?

MR. BILL: Objection.

MR. BURKE: I claim it, Your Honor.

THE COURT: He is going to determine whether he had a choice or not in that question?

MR. BURKE: Yes Your Honor.

THE COURT: I will allow it. Answer the question if you can.

Q. Did you have any choice to stay at the County Jail and not go with Rome and the other fellows? A. Not that I could see.

Q. So that you were then taken to the Police Barracks? A. Yes.

Q. And what happened over there? A. At the police barracks I was brought into a room and shortly after they brought Arthur Culombe into that room and Lieutenant Rome told Culombe to tell me what he had told them.

Q. Now, prior to this had you stopped anywhere from the jail to the barracks? A. They stopped in front of a newspaper building and Lieutenant Rome ran up and got a paper and got back into the car and he flashed the paper in front of me.

Q. Did he give you the paper? A. Then he gave it to me after he flashed it.

Q. And what did the paper say - the headline? A. The headline said something like "Culombe confesses," or something like that.

Q. And then you continued to the barracks? A. Yes, sir.

Q. And at the barracks did Lieutenant Rome question you before you saw Culombe? A. I am not positive about that.

Q. Then when you arrived at the barracks at sometime Culombe was brought in? A. Yes.

Q. Where you were? A. Yes, Culombe was brought in.

Q. And then Lieutenant Rome told Culombe to tell you what he had told them - is that what happened? A. Yes.

Q. All right, then what happened? A. Culombe started to say things and would hesitate, and Lieutenant Rome would furnish the details he was hesitating on.

Q. Then what did you say, if anything? A. After Culombe had talked to the satisfaction of Lieutenant Rome, I asked Culombe what about when they kicked you and choked you, and Lieutenant Rome told him, he says, "You know we didn't do anything like that," and naturally at that time, Arthur Culombe says, "No, sir."

MR. BILL: I move that "to the satisfaction of Rome" go out and also that last part.

THE COURT: I suppose technically it shouldn't be in there. I will strike out "to the satisfaction of Rome," and what was the other one?

MR. BILL: And the other was "naturally."

THE COURT: I will allow that to stand. That is a matter of inference, but the other part may go out. Go ahead, Mr. Burke.

Q. Had Culombe told you anything before about the striking or choking that Rome did? A. Yes, he did.

Q. What did he say? A. He told me - he said that Rome tries to act like a nice guy but he ain't as nice as he says he is or acts, because tonight he kicked me. I says, "Why don't you tell him you want a lawyer?" and he says, "I do, but he never lets me get one."

Then on another night - I believe this was Tuesday - Culombe was very upset and told me downstairs in the cell block "I am demanding to have them bring me to the County Jail." He said, "They had me by the neck tonight, Rome did, and was shaking me and swearing at me," - "and they had better take me out of here." I says, "Why don't you keep asking for a lawyer?" and he says, "I do but I don't get anywhere."

MR. McDONOUGH: May I have that last question and answer read?

THE COURT: Read it, Mr. MacGlashan.

(The reporter read the last question and answer.)

THE COURT: Go ahead, Mr. Burke.

Q. Now, after Culombe was brought in and made these statements you say, did you make any statement or say anything in answer?

A. I told him —

Q. You told who, Rome? A. I thought you were talking —

Q. Let me get it straight. You were in the barracks

and Rome brought in Culombe and Culombe made some statements. Now I want to know if you said anything in answer to those statements or did you remain silent or what?

THE COURT: You mean in addition to what he just said - what he said to him when he told him he was choked - in addition to that?

MR. BURKE: In addition to that, yes.

THE COURT: All right.

A. I told him I didn't know what he was talking about.

THE COURT: No, he didn't. Go ahead, Mr. Burke.

Q. Then what happened after that - was Culombe taken from the room? A. Yes.

Q. And did Rome remain there or did he go out or what? A. It was - I think it was shortly after that that I was brought over here.

Q. Brought over to this Court? A. Yes.

Q. And you were presented before Judge Bordon? A. Yes.

Q. Now, when you were presented before Judge Bordon did you tell the Court about your request to be permitted to clean up? A. I made them aware of it in complaining to Lieutenant Rome.

Q. I want to show you State's Exhibit CC. It might refresh your recollection a little.

MR. BILL: I object, Your Honor, unless he can show he needs to be refreshed.

THE COURT: Well, I think I will permit it. Go ahead.

A. Well, some of the things that are here I didn't

hear because of the condition I was mentally - I didn't hear a lot of things that went on here.

THE COURT: All right, go ahead, Mr. Burke.

Q. What condition were you in mentally at that time? A. I was in a defeated condition.

Q. And what was the cause of that? A. Well, hearing all this talk about my mother being bothered or going to be continued to be bothered because of my refusal to admit something I didn't do, and the blocking of every effort I made to get a lawyer, to get cleaned up, I come to the conclusion by that time that there was no sense in asking for anything, and the main thing I had in my mind when I got into this Court was could I please get cleaned up. I wasn't even allowed to wash up when I went to the jail in between the time I left the State Police the day before.

Q. Now, while you were in this court you also asked for a lawyer, did you not? A. Yes, sir.

Q. If one could be assigned to you immediately?
A. Yes, sir.

Q. Now, after you left the Court where were you taken? A. I was taken across the street and put in a cell in the State Police barracks downstairs.

Q. And how long did you remain there? A. I remained there - it was I believe at least an hour.

Q. And then what happened? A. I went - while I was there there was Detective Matus and this other officer -- different other officers pounding at me - "You know they got you - why don't you confess?"

Q. Wait a minute. You were in the cell and were locked up for about an hour? A. Yes.

Q. And were you taken out of the cell or did they question you in the cell? A. Detective Matus was standing outside the cell and at different times some other policemen - I don't know who - I would know them if I saw them - would sit there and take his place and keep trying to show me why I should confess.

Q. And what did they say? A. They would say, "The other fellow is putting everything on you." Quite a bit of what they were saying was "Look at your mother - what it is doing to her," and "What about your wife? You are going to get it anyway - why don't you make it easier on them?"

Q. And this kept up for about how long did you say? A. I would say for about an hour.

Q. And had you been given an opportunity at that time to wash and clean up? A. Sarcastically I was asked if I wanted to use an electric razor or an ordinary razor; did I want a shower - by different officers.

Q. And were you permitted to have any of those things? A. No, sir.

Q. And then you say these officers, including Matus, who was sitting out in front of your cell, were talking at you through the bars? A. Yes.

Q. And saying what you just testified to, and that went on for about an hour? A. Yes.

THE COURT: I think we will stop now. The accused may be escorted from the courtroom.

Short recess, Sheriff.

(Recess at 11:30 A.M.)

JUNE 14th, 1957 - 11:45 A.M.

THE COURT: Bring up the accused, Sheriff.

(Accused present)

(Jury and alternates not present)

THE COURT: Do you want Mr. Taborsky on the stand Mr. Burke?

MR. BURKE: Yes, Your Honor.

THE COURT: All right, sit right down. You may proceed, Mr. Burke.

JOSEPH LOUIS TABORSKY, on the witness stand.

DIRECT EXAMINATION BY MR. BURKE: (RESUMED)

Q. I think that we were talking prior to recess about you were taken from this court, put in a cell in the barracks and there were officers around the cell talking to you through the bars? A. Yes.

Q. Now, I think that you also testified to the last question that you were there in that cell for about an hour? A. I believe so.

Q. Now, will you tell me what the officers were saying to you? A. They were impressing upon me suffering of my mother and the trouble that she was being put through, questioned by officers, people bothering her, and why didn't I confess so that she would be let alone.

Q. And is this what they were saying to you? Can you recall what they were saying, the words? A. They said "Come on, your mother has gone through enough for you. Why don't you confess, get it over with. You know we got you," and things like that.

Q. And at that point had you had an opportunity to clean up? A. No, sir.

Q. Had you had - had you seen a lawyer up to then? A. No, sir.

Q. Now, you said that they were talking to you for about an hour, telling you to confess and stop your mother's suffering? A. Yes, sir.

Q. After that hour went by, then what happened? A. Sometime while I was down there attorney Nathaniel Bergman came down and he told me that he was too busy, or something, and he couldn't take my case.

Q. And did he stay with you for a while, or did he leave, or what? A. He was there for about three minutes and he left.

Q. Now, after he left did the police - were there any police at your cell at that time? A. They were still around there, yes.

Q. Now, whether or not they were saying anything to you or talking to you after Mr. Bergman left? A. They says "You see what you are up against. Your lawyer won't take your case and nobody else is going to take your case, either."

Q. Now, after Mr. Bergman left and you had heard the policewoman talking about your mother, and Mr. Bergman couldn't take your case, you were still unwashed, I understand, what effect did that have on you, if any? A. I felt like I was just sinking. I don't know what was going on. My attorney tells me he can't take my case because he is busy, which I believe, and these officers are making me believe that he wouldn't take my case because nobody else would take my case, and they were telling me about my mother's suffering, and they were searching the house and questioning her and questioning friends and relatives and telling me if I don't confess it isn't going to stop, it is going to continue, and I felt that I might as well tell them anything that they want to know if it is going to stop them from bothering my mother.

Q. Now, after that then you were taken from the

cell, were you? A. Yes, I believe after that I was taken to the county jail.

Q. And about that time you were pretty despondent and dejected?

MR. BILL: Objection, Your Honor.

MR. BURKE: All right, Your Honor, I will ask him -

Q. Just what condition were you in mentally?
A. Mentally I don't think I had my mentality by then.

Q. So in this condition you were taken to the county jail? A. Yes.

Q. And about what time was that, if you can recall?
A. That was sometime in the afternoon. That day I wasn't - I couldn't observe too much that night.

Q. Why couldn't you observe much? A. After all, this claiming I am making my mother suffer, and not giving me things I want that I thought that I should have, lying to me and telling me I could have a lawyer later, and this and that, when I knew I should be able to have one then, never being told I was under arrest before, there was no sense in asking anybody for anything any more. You ask and they get sarcastic. You want a shower, you want to shave. I think the next day I'd have asked them I wanted to go to New York on an aeroplane.

Q. In this condition you were taken to the county jail? A. Yes.

Q. And you were locked up there? A. Yes.

Q. And were you questioned at the jail or on the way to the jail? A. I don't remember. At that time I wasn't in very good shape to remember just what went on there.

Q. You weren't in good shape to remember what

happened? You will have to answer, Joseph, because it has - A. No, sir, I wasn't.

Q. On Friday - you remained in the jail Thursday night? A. Yes.

Q. And on Friday morning were you taken from the jail again, do you recall? A. I believe I stayed in the jail during that day.

Q. And you were locked in a cell by yourself?
A. Yes, sir.

Q. And did you have any opportunity to talk to anybody all day Friday? A. No, sir.

Q. You just stayed in your cell, thinking? A. Yes, sir.

Q. Now, by late afternoon on Friday - strike that - you say you were in your cell, thinking, Friday about what had been going on? A. Yes, sir.

Q. By late afternoon Friday what was you condition? A. My condition was by that time that anybody could do anything they wanted with me. Anybody. I didn't care what happened. Any time I asked for something reasonable, that I thought was reasonable, I was conned around about it.

Any time in between different questioning I was told my mother was suffering because of me, that she was going to continue suffering because of me until I confessed to something I hadn't done, and I was told that I was going to get washed up and never got washed up, was dirty all that time that I was in the cell up until Friday.

Q. Well, was your feeling one of hopelessness?
A. It was even lower than that.

Q. Now, along about late in the afternoon you were taken from your cell in the county jail? A. Yes, sir.

Q. And do you recall who took you from your cell or from the jail? A. No, sir.

Q. Do you recall seeing Lieutenant Rome late Friday afternoon? A. I saw him, yes, sir.

Q. And where did you see him? A. I saw him in some room in the State Police barracks.

Q. Did Lieutenant Rome talk to you there? A. He told me that he was bringing my mother in for me to make my mother feel better.

Q. And did he tell you anything about her condition? A. He told me that she was in very bad shape and that I had better do something about it, what kind of a guy was I to let her get in that kind of shape.

Q. Did he tell you anything else about her? Did he tell you that he had talked to her about her beliefs? A. Yes, he did.

Q. What did he say? A. He said that he had talked with her and told her that he knows I am guilty, that I should be put out of the way, and he had convinced her and he wanted her now to come in and see me and get me straightened out.

Q. And did he tell you what he wanted you to do for her, if anything? A. He told me that if I was any kind of a man I would tell her what he wanted to know to make her feel better.

Q. Now, after this conversation did Lieutenant Rome leave the room you were in? A. He left.

Q. And in this room - who was in this room with you? A. To the rear and the right of me was Officer Reimer, sitting over in the courtroom over there.

Q. Were you handcuffed or not? A. I was handcuffed.

Q. Were you handcuffed to any furniture or just to yourself? A. To my best recollection I was handcuffed to the arm of a chair.

Q. Who else was in the room besides Officer Reimer and yourself, if you can recall? A. At that minute there I don't think anybody else was when Lieutenant Rome left.

Q. Did Lieutenant Rome return - wait a minute. Before Lieutenant Rome returned did Reimer have anything to say? A. He was telling me what bad shape my mother was in and saying "You got a fine mother and it is a shame to leave her in that shape." He said "Why don't you ease her? You don't want her to have a breakdown. You know that she is a sick woman."

Q. And then did Lieutenant Rome come back into the room? A. After a while Lieutenant Rome came into the room.

Q. And was your mother with him? A. Yes, she was.

Q. Now, tell His Honor just exactly what happened, how she looked, how you felt and the effect that it had on you, in as much detail as you can possibly remember. Do you want some water, Joseph?

A. Just thinking about it, the way she looked -

MR. BURKE: May we have a short recess, Your Honor?

THE COURT: Do you think that it is necessary?

THE WITNESS: She looked pitiful, that's all that I can say.

Q. All right. Now, then, what happened? Tell us what happened, take you time. Tell us in as much detail as you can. A. She came in, she says "Louis, why don't

you tell these men what you know?" She says "If you don't tell them the truth I don't want you for a son any more, I don't want to visit you any more. If you tell them what they want to know I'll still love you."

Q. Now, at that time was she crying? A. Yes, sir.

Q. Were you crying? A. Yes, sir.

Q. Now, seeing her in that pitiful condition and after listening to what Rome and these other policemen had said to you, and hearing her say that, what effect did that have on you? A. I would tell anything the officers wanted me to tell them.

Q. And did you? A. Anything they asked me I agreed was right.

Q. And is that when you stated, as Lieutenant Rome said here, you said that you were involved? A. Yes, sir.

Q. All right. Now, right after that - oh, right after that was your mother taken from that room? A. Yes, she was.

Q. And you remained in the room with Lieutenant Rome and Officer Reimer? A. Yes.

Q. Who else, if anybody? A. I think Captain Schwartz came in.

Q. Now, tell us, was O'Brien in there, too? Sergeant O'Brien, or Detective O'Brien? A. He probably was. I don't know.

Q. Do you have a very clear picture of who was there and who was not there? A. No, sir.

Q. Now, what happened? Did they commence taking statements, asking you questions - Rome? A. Yes, sir.

Q. While this was going on you said that Officer Reimer was right behind you? A. Yes.

Q. And he was - was he saying anything or remaining quiet? A. I can remember from the time that my mother came into the room until she got done talking. Officer Reimer kept repeating in my ear "Tell everything, Joe. Make your mother feel better. Tell everything Joe. That's right. Your doing right, Joe. Tell evrything you know. Your making your mother feel better. That's right, Joe. Keep going, Joe. That's right Joe. That's right."

Q. He kept repeating that over and over in your ear? A. Yes, sir.

Q. After your mother had left they started again, did they start again to take statements or take a statement? A. There was questions, yes.

Q. Now, Lieutenant Rome was doing the questioning, was he? A. Yes, I believe that it was him.

Q. Now, tell me and the Court, how did he ask you these questions? What was the manner in which he asked them - I'll strike that. Lieutenant Rome testified, and so did Sergeant O'Brien, that they would ask you a question and you would give them an answer. Is that the way it went? A: I remember that I was asked "Did you do a certain thing?" I would say "Yes". "How was this done" or "Who did this?" And I would give them an answer that I thought they wanted and he would refresh me on what had been said during the recital of somebody else saying they had done something and wasn't it this way.

Q. He would explain to you how something happened at the time he asked the question? A. Yes.

Q. And then you would answer in accordance with that explanation - is that how it went? A. Yes.

Q. Now, while this was going on, Joseph, how did you feel in your mind and in your heart - how did you

feel when this questioning was going on? A. I felt I was doing what I was compelled to do to get my mother out from under this pressure they told me she was under and they showed me she was under by bringing her there and telling me the only way she could get out from under the pressure of being bothered by the police was to tell them what they wanted me to tell them.

Q. After this was all over were you taken out of that room to the jail? A. I guess I was.

Q. Now, eventually, anyway, you got back to the jail? A. Yes.

Q. And you remained there - when did you next see Lieutenant Rome? A. I think sometime the next day.

Q. Sometime when? A. I think sometime the next day.

Q. And what did he have to say then - if you recall - if you don't, say so? A. He says something about he wants to bring me around to re-enact some kind of crimes.

Q. I want to show you State's Exhibit DD for identification. Do you recall seeing that before? A. Well, I might have seen it - I wouldn't be able to recall it now.

Q. Well on the last page is a signature, is that your signature? A. It could be, I don't know.

Q. Have you any recollection of signing that - have you any recollection of signing that statement? A. I don't remember a paper like this, but I signed something. I don't know if that is it.

Q. Do you recall Lieutenant Rome sitting and reading that to you? A. He may have.

Q. You don't have a clear recollection of what went on at that time? A. No, sir.

Q. Let me ask you this - why don't you? A. Why don't I?

Q. Yes. A. I was just all - after the night before I was feeling how my mother is still going to love me, she is not going to desert me. As long as I made her feel better by saying I did things I didn't do. That is all I was thinking about - my mother is not going to desert me and she is going to be my mother and I didn't know half of what was going on after that.

Q. Have you no recollection then of Lieutenant Rome, as he says, reading this statement to you - this question and answer business - the one you have before you?

A. I don't know about this paper. I signed some things but I can't say it is this paper.

Q. Now then, after this you were brought into this court again, were you not, and arraigned and presented here and charged before Judge Bordon? I will refresh your recollection - it was the first day I saw you - do you recall that day when you were in this court before Judge Bordon? A. I think I was - I don't know what day that was.

Q. Whatever day it was, were you at that time still under this - the effects of this condition that you were in before? A. Yes, sir.

Q. And do you recall talking to me or my talking to you downstairs in the cell that day? A. Yes, sir.

Q. And in court that day you told Judge Bordon, did you not, that you didn't want any lawyer? A. Yes, I did.

Q. And why did you say that, Joseph? A. Because I wanted to die.

Q. And were you still under the effects of this same condition you were in after your mother saw you on that day? A. Yes, sir.

Q. Now, among the things which Lieutenant Rome said to you during these days of questioning, do you recall him saying anything to you about an insane asylum?

A. He told me during one of the periods of questioning - I believe it was on a Monday - that if I didn't confess that I was going to end up pacing the cell of an insane asylum.

Q. Now, from Saturday, when he started questioning you, after you were taken into custody, even up to the time you were presented here before Judge Bordon - the day that I saw you - was your condition something that came on all of a sudden, as you have described your condition, or was it something that built up gradually? A. It built up from the time they didn't allow me to go back to Brooklyn - what they led me to believe that I would be allowed to do - go back to Brooklyn Saturday evening.

Q. This helped to build up the condition you were in? A. Each day I got a more hopeless feeling as I asked for and not getting the things I asked for, lied to and blamed for things I didn't do; constant talk about my mother suffering and her and my relatives being investigated and bothered and people calling them up and threatening them and things like that.

Q. And the culmination or climax came when you saw your mother's condition yourself? A. Yes, sir.

MR. BURKE: Your witness.

CROSS EXAMINATION BY MR. BILL:

Q. What time did you go down to the Hartford County Jail on Tuesday? A. Tuesday? I would say about eight o'clock.

Q. Eight o'clock in the evening. And you were down at the Hartford County Jail from eight o'clock on Tuesday until Friday at about five o'clock, except once when

you appeared over here in court and you spent about an hour over at State Police Headquarters, isn't that right?
A. I don't understand the full question.

Q. I will withdraw it. You went down Tuesday night to the jail about eight o'clock? A. Yes.

Q. Were you taken out of the jail Wednesday?
A. Wednesday? No.

Q. You were not questioned Wednesday, were you?
A. No, sir.

Q. On Wednesday night, all day Wednesday or Wednesday night, is that correct? A. That is correct.

Q. Thursday morning, I think you testified that around about eight or nine o'clock Lieutenant Rome came and got you with some other officers, and that is the time they showed you the Hartford Courant and then took you to Police Headquarters? A. About that time. It might have been earlier.

Q. I won't quibble about the time. It was in the morning before you came into court? A. Yes.

Q. And finally you got over here to court? A. Yes.

Q. And then you were taken over to the State Police Headquarters and that is when you said some officers questioned you for about an hour, is that correct - this is Thursday after court? A. They weren't exactly questioning me, no.

Q. All right, they were present and you were present and there was some talk there, whatever you want to call it, is that right? A. Yes.

Q. And then you were taken back to the jail again, were you not? A. Yes.

Q. And about what time? A. Sometime in the afternoon.

Q. And you stayed there until Friday afternoon - late - and you were brought over and met your mother?
A. Yes.

Q. And you were not questioned or met by the police Officers from that Thursday afternoon when you were taken to the jail until you came back and met your mother late Friday afternoon, isn't that correct? A. May I have that question?

THE COURT: Read it, Mr. MacGlashan.

(The reporter read the question.)

A. No, it is not.

Q. Why not? A. I was questioned and talked to before I saw my mother Friday afternoon.

Q. Where, at the jail? A. No, sir.

Q. I am not talking about that. You said before I met my mother. Let us put it up until the time you left the jail to talk to your mother - what time was it you left the jail on Friday to talk to your mother?
A. Late afternoon.

Q. Five o'clock or five-thirty? A. It was probably about five.

Q. About five o'clock. All right. Now, then, I will ask the question again - the last part of it - from the time Thursday afternoon they took you to the jail after you had been to court and Police Headquarters, you were in jail from Thursday afternoon until Friday late in the afternoon at five o'clock, I think you said - around that - all that time, weren't you? A. Yes.

Q. And you were not questioned? A. No.

Q. So, I again ask you the first question I asked you - that from Tuesday night at eight o'clock when you went

down to the County Jail until about five o'clock on Friday afternoon, when you were taken out and later saw your mother, you were only out of the jail once, and that was Thursday morning when you appeared in court and later had an hour's conference with the Police across the street, is that correct?

MR. BURKE: I object to it. It isn't the testimony.

THE COURT: Even if it isn't the testimony, it is a fair question on cross examination. Perhaps I should hear you, Mr. Burke.

MR. BURKE: He testified he was taken from the jail to the barracks, questioned and then taken to the court.

THE COURT: I understand that is the testimony, but this is a fair question. The mere fact there is some testimony or other evidence doesn't make it inadmissible.

MR. BURKE: Exception.

THE COURT: Certainly.

Do you want the question?

THE WITNESS: Yes, sir.

THE COURT: Read it, Mr. MacGlashan.

(The reporter started to read the question.)

MR. BILL: I will withdraw it and I will put it in.

Q. From Tuesday night at eight o'clock until about five o'clock Friday afternoon you were taken from the jail once, and that was Thursday morning when you were interviewed at State Police Headquarters and brought to court, and then had an hour's conference later at State Police Headquarters; now, is that correct? A. It isn't fully correct.

Q. Will you correct it? A. I didn't have any hour's conference.

Q. What do you call it - you were with the police an hour after court, is that correct? A. I was with the police, yes.

Q. With that correction, can you answer the question? A. That is the only time I remember being brought from the jail between that time.

Q. Yes, and while you were at the jail you were never questioned between Tuesday night and Friday afternoon except what you have just described - after you had been taken out of the jail on Thursday - just during that interim, is that correct? A. Yes.

Q. On Thursday afternoon when you went back to the jail you had a shower and a shave and washed up, didn't you? A. Thursday afternoon? Is that what you are talking about?

Q. Yes. A. I wouldn't say I did, no - I am not sure.

Q. Well, were you ever given an opportunity at the jail between Tuesday night when you went down there and Friday night to wash up and shave? A. I believe - I believe it might have been Thursday night that I finally got shaved or it might have been Friday morning - I am not sure about that.

Q. It was Thursday afternoon around two o'clock, wasn't it? A. I can't place that.

Q. Well, you had been all bathed and shaved up long before you saw your mother that Friday afternoon, hadn't you - for sometime? A. Yes, I had been shaved and washed on the Court's orders, yes.

Q. Are you kicking, Taborsky, because over at the State Police Headquarters when you turned on that faucet and there was a button and you put your hand on it to wash - is that what you are kicking about?

MR. BURKE: I object to that - that isn't a fair question - "kicking."

Q. Are you complaining, Taborsky, about that situation - that you couldn't get water from the faucet because you had to press the button with one hand and it would only flow when you pressed the button - is that what you are complaining about?

MR. BURKE: I would object to that. That isn't the testimony.

THE COURT: Mr. Burke, this is cross examination. I will overrule the objection.

MR. BURKE: May I have an exception?

THE COURT: You certainly may. Will you answer the question? Do you want it read? Do you remember the question?

THE WITNESS: No, I don't remember it.

THE COURT: Read it, Mr. MacGlashan.

(The reporter read the question.)

A. That is a small part of what I was complaining about.

Q. That is one of the complaints? A. A small part of the complaints.

Q. Did you try pressing the faucet with one hand and cupping the other hand and getting some water in it and washing your face up - did you try that? A. I knew better.

Q. You mean you didn't do it? A. No, there were no towels.

Q. You didn't have any handkerchief or anything to wipe with? A. It was dirty.

Q. Did you talk with anybody but Lieutenant Rome about getting towels or soap? A. He was in charge.

Q. I am asking you - May that be stricken?

THE COURT: It may go out.

Q. I am asking you if you asked anybody else other than Lieutenant Rome? A. I asked Judge Bordon.

Q. I mean over there at State Police Headquarters? A. I didn't have a chance to, no, sir.

Q. You didn't have a chance to or you didn't, is that it? A. Yes, sir.

Q. And you were complaining because there wasn't a stopper in the bowl - is that what you were complaining about? A. That was encompassed in the full complaint, because without a stopper you couldn't leave any water in the sink to wash up with.

Q. And you never thought of cupping the water in your hands and washing up that way, did you? A. No, I never did.

Q. You never tried that before? A. I have tried it before, yes.

Q. You didn't try it over there, though? A. No.

Q. As a matter of fact, Sunday morning when you asked Lieutenant Rome about a blanket, he went into an empty cell next to yours and gave you another blanket, didn't he? A. No, sir.

Q. You deny that? A. Yes, sir.

Q. Now, this written statement here, State's Exhibit DD, for identification, did I understand you, Taborsky, to look at that writing and signature there and say that you don't know whether it is yours or not? Did you say that?
A. Yes, I said that.

Q. You look at it again. Isn't that your signature?
A. I wouldn't swear it was.

Q. Of course you know it is, don't you?

MR. BURKE: I object to this badgering of the witness, Your Honor. He got an answer.

MR. BILL: I am not badgering him at all.

THE COURT: "Badgering" is an unusual word. I will overrule the objection. He is entitled to ask him that?

MR. BURKE: May I have an exception?

THE COURT: Certainly.

Q. Did you at some time sign a statement concerning this New Britain affair? A. I signed a paper.

Q. You signed a number of papers, didn't you?
A. I might have.

Q. You don't remember? A. I am not sure what I signed.

Q. As a matter of fact, you signed those papers and this one, State's Exhibit DD for identification, on Sunday, didn't you, Sunday afternoon? You were brought over to State Police Headquarters and signed that paper, didn't you? Is that right? A. What Sunday are you talking about?

Q. The next Sunday after the meeting with your mother on Friday, the following Sunday, March 3rd?
A. It is possible.

Q. You say that you don't remember that? A. I say that it is possible. I answered your question.

Q. But you say that you don't remember it might have been, is that it? A. Could I hear the question again, Your Honor?

Q. I'll withdraw it. Don't you remember that you were taken from the jail to State Police headquarters on Sunday, March 3rd, by the police? A. Yes.

Q. And don't you remember that you signed a number of statements at State Police headquarters that afternoon? A. Well, I was probably signing anything that they put in front of me.

Q. Oh, that is what you were doing? They read them to you, didn't they? A. There was a lot of things said.

Q. I am not asking you that, Taborsky. I am asking you if they didn't read specifically this statement that I just showed you, State's Exhibit DD for identification?
A. I don't know.

Q. You don't know? But you did sign some papers over there that afternoon, didn't you? A. Yes.

Q. And this might have been one of them, is that it? A. It might have been.

Q. Now, you remember being over here in the Superior Court, in front of Judge Bordon, don't you, that Thursday morning? Don't you remember that?
A. Thursday morning, yes.

Q. And you took part in the proceedings, didn't you? When he asked you some questions you spoke up to him, didn't you? You had something to say that day, didn't you? A. Yes.

Q. Do you remember this, and I am reading now from State's Exhibit CC for identification:

"THE COURT: Now, Taborsky, I am passing an order. I am ordering the sheriff to release you in the custody of Commissioner Kelly for the purpose of further investigation of the case against you. In the course of the investigation made by the police you have all the rights that I

already indicated. You need make no statement. Anything that you do say or any statement that you do make may be used against you in the trial of the case against you, but you are not required to make any statement. In fact, I will admonish the police to use no force or make you no promises or do anything which will obtain a statement from you that is involuntary. If you wish to make any statement voluntarily you may do so. If you don't wish to do so you may keep quiet and say nothing and nobody can make you do anything or say anything, and I am sure that the police will observe all your rights. You will be treated, I am sure, properly and accorded all the rights the law entitles you."
Now, you remember that, don't you? A. Not as you say it, no, sir.

Q. You heard him tell you about your Constitutional rights, didn't you? A. No, sir. I didn't fully understand what was going on there.

Q. You didn't understand what was going on on Thursday? Why? A. Because of the treatment that I received across the street.

Q. Well, you hadn't been across the street since Tuesday night, and early that morning just before you came over here, isn't that true? A. That's true.

Q. Do you claim that there was pressure between Tuesday night and the time that you were over there in the court, in the court proceedings? A. Yes.

Q. You do? And do you claim that that pressure was such that you didn't understand what was going on over here? A. Yes.

Q. You spoke up and told the judge you hadn't been shaved or washed, didn't you? You knew that? A. Yes.

Q. And you talked about getting a lawyer, didn't you? A. Yes.

Q. But all the rest of the proceedings you didn't hear or understand. is that what you want us to understand now? A. That is what I want you to understand.

Q. You don't remember anything, Judge Bordon saying to you "You don't have to make any statement or say anything. You don't have to talk. You don't remember any of that? A. I remember some of the things the he said, yes.

Q. And you remember that, don't you? A. No, sir.

Q. Wasn't that important to you? A. Can I answer my own way?

THE COURT: You don't have to answer "yes" or "no". You can explain what you mean.

A. The most important thing at that time was getting a lawyer and washed up.

Q. You didn't care anything about statements or any Constitutional rights at all, is that correct? A. By that time I was in no condition to worry about it.

Q. Now, in the police court on Tuesday, down at New Britain you saw your mother, didn't you, and sister?
A. What date is that?

Q. Tuesday morning, at New Britain, at the police court? A. Yes.

Q. And you heard your mother ask Lieutenant Rome if he should get you a lawyer, didn't you? A. Yes.

Q. And he said that he didn't think that it was necessary at that time. Do you remember that? A. Something like that, he said.

Q. All right. And you said that you didn't want a lawyer, didn't you? A. No, sir.

Q. Are you sure of that, Taborsky? A. Yes, sir.

Q. Did you tell her then that you wanted a lawyer?
A. No, sir.

Q. What did you say? A. I told her that I didn't have anything to do with what they were trying to say I did, and there was nothing to worry about.

Q. But there was your mother, and you say that you wanted a lawyer and you had been asking for a lawyer, why didn't you say to her "Will you get me a lawyer?" To her and your sister? Did you do that? A. I had just been through a great —

Q. I am asking you if you did that? A. No.

MR. BURKE: If Your Honor please, I would think that he would let the witness answer the question.

THE COURT: The witness obviously was not going to answer the question and if he had let him answer it, as he should have done, I agree I would probably have to strike it out. Will you read the question, Mr. Burke?

(Last question read by reporter)

A. No.

Q. You never mentioned to your mother or your sister, either, when you were down there, that you wanted a lawyer and asked them to get a lawyer, did you?
A. I didn't have a chance.

Q. But you didn't do it, did you? A. No.

Q. You talked to your mother, didn't you? A. For one minute.

Q. Yes. And what was uppermost in your mind was your claim that you wanted a lawyer, so why didn't you say to her "Mother" or "Mom" or whatever you call her "Won't you get me a lawyer?" You didn't do that, did you?
A. I didn't have a chance.

Q. The police never laid a hand on you, did they? A. No, sir.

Q. They never struck you? A. No, sir.

Q. Never touched you, did they? A. No, sir.

Q. You told Lieutenant Rome that he was the only cop that you ever had any respect for, didn't you? A. I don't remember that.

Q. Will you say that you didn't say it? A. Yes.

Q. You did not say it? A. I'll say that I did not say it.

Q. That you did not say it?

MR. BURKE: Well, if Your Honor please, this is badgering and repetitious. Four times he went over it.

THE COURT: Overruled. I will allow it to stand.

MR. BURKE: May I have an exception?

THE COURT: You certainly may.

Q. Now, you say that there came a time that you wanted to die. When was that? Did you say that, just now? A. I said that up here.

Q. When was that? When did that feeling come over you, that you wanted to die? A. In superior court here the day that I said I didn't want a lawyer.

Q. The day that you said you didn't want any lawyer, and that was on Tuesday morning, March 5th, was it not? A. I believe so.

Q. And how long before that had you had this feeling that you wanted to die? A. When I realized that the only way I could keep my mother's love and be her son was to confess to something I didn't do.

Q. You thought that that was going to do it?

A. That's what I had been impressed with ever since I was picked up.

Q. You didn't believe that, did you? A. Yes, I did.

Q. And you think that has done that? Your confession?

MR. BURKE: May I have that question read, Your Honor.

THE COURT: Surely. Read it, Mr. Burke.

(Last question read by reporter)

MR. BURKE: The one before that.

(Second last question read by reporter)

MR. BURKE: It must be the one before that.

(Third last question read by reporter)

THE COURT: Now read the last question, Mr. Burke.

(Last question again read by reporter)

THE COURT: Will you answer that, if you can.

A. I don't know what the question means.

THE COURT: He says "I don't know what the question means." Reframe it.

Q. What did you expect - that is withdrawn. How did you think that it was going to help your mother if you confessed to a lot of crimes when you didn't do them?

A. I felt that she had been convinced by officials that I was guilty and that unless I confessed I was going to get electrocuted and there would be no hope for me.

MR. BILL: May I have that answer, please?

THE COURT: Yes. Read it, Mr. Burke.

(Witness's last answer read by reporter)

Q. You thought that your mother had been convinced that you were guilty, is that correct? A. That's right.

Q. And then from there on I don't understand what you meant. How would your confession help out in any way? A. I believed at that time that the officials had convinced her that I was guilty of some crimes, and her being a religious woman, believing that, believing them saying that I was guilty, if I didn't confess to something she believed I was guilty of through her telling her that, I wouldn't go to heaven.

Q. So you want to tell us that you told - that you admitted and confessed to all these murders —

MR. BURKE: I will object to this, Your Honor. There's only one case involved here and he should restrict these questions to this case.

THE COURT: But the witness is the one that made it plural. I will allow the question and then we'll hear you if you want to object.

Read what you have, Mr. MacGlashan.

(The reporter read the question.)

Q. — just because your mother was convinced you had done them and you would make her feel better if you should confess to them even though you hadn't done it?

MR. BURKE: I will object to that, Your Honor.

THE COURT: Sustained.

MR. BURKE: Exception. It was sustained?

THE COURT: You may have the exception - you may be right.

Q. Then you thought that confession to all these murders that you didn't do was in some way going to help your mother, is that it?

MR. BURKE: Objection.

THE COURT: I sustain the objection on the use of the word "murders". The witness used the word "crimes".

MR. BILL: Crimes. I didn't understand that that was why you sustained it. I didn't mean to repeat it, had I known, Your Honor.

THE COURT: I am sure you wouldn't have, Mr. Bill.

Q. Then you felt, as I understand it that night, that by confessing to all these crimes, that that in someway would make your mother feel good or help her in someway, even though you didn't do it, is that correct? A. I was made to feel that way, yes, sir.

Q. You were made to feel that way? Who made you? A. The State Police.

Q. Did your mother make you feel that way?
A. Not realizing it, she was used to make me feel that way, yes.

Q. She was after you to tell the truth, wasn't she?
A. Yes, she was.

Q. And she kept saying, "Joe, tell me the truth.", didn't she? A. Yes.

Q. "Did you kill this one - did you kill that one" - that is what she said - naming some names, didn't she?
A. Not of her own accord if I can remember correctly.

Q. You are sure of that? A. I am pretty sure of it, yes.

Q. And that she would name some names of victims, didn't she? A. Yes.

Q. And she was asking you about those, wasn't she - different names? A. I can't fully remember everything that went on up there once my mother got in that room.

Q. Well, you know she kept saying, "Joe, tell the truth and I will still love you no matter what it is."?

A. I can remember that and I can remember her telling me if I didn't tell the truth as she understood it she wouldn't have me for a son anymore - she wouldn't visit me.

Q. And is that why you told these things - is that so?

MR. BURKE: May I have that question?

THE COURT: Read it, Mr. MacGlashan.

(The reporter read the question.)

THE COURT: Go ahead and answer if you can.

THE WITNESS: He just asked me is that why I told these things. I don't know what he means.

Q. That is why you came out and confessed to crimes? A. I was told to admit it.

Q. Anything they asked you? A. Yes.

Q. You were told by whom to admit anything they asked? A. I was under that impression.

Q. Told by whom? A. Lieutenant Rome and Officer Reimer kept telling me: "That's it - tell us what we want to hear. You will make your mother feel better - that's it, that's it," and so that is why I did it.

Q. But it was your mother that was doing all the talking? A. No, sir.

Q. Are you sure of that? A. Positive.

Q. Taborsky, you had a shower over at the jail on Wednesday, did you not? A. Not that I can remember.

Q. Will you say you didn't? A. Right at this minute, I will say no.

Q. You will say no? A. At this minute I will say I didn't.

Q. You made no complaint at all about the food over at the County Jail or at State Police Headquarters barracks, did you? A. Oh, yes.

Q. You have? A. Yes, sir.

Q. You haven't complained here at all, have you? Do you want to complain now about the food over there? A. Yes.

MR. BURKE: I object to this type of questioning - that there wasn't a complaint about the food now.

THE COUFT: I will tell you, Mr. Burke, I am going to sustain the objection on the ground that is hasn't been raised as one of the complaints of the accused, and strike the answer.

MR. BILL: Well, I was simply pointing out it had not been raised.

THE COURT: I understand, but if there has been an objection and there hasn't been any claim to that ecect, and I will sustain the objection and strike out the answer.

MR. BILL: I assume Your Honor has made note of the situation that he hasn't complained.

Q. When you were down in the New Britain Police Court that Tuesday morning, you said to your mother: "Never mind, don't worry, I am not involved in these things", didn't you? A. I told her something to that effect. I don't think I used those words.

Q. And didn't you follow that up by saying: "I don't need a lawyer because I am not involved in these things", or, "They have nothing on me?" A. No, sir, I didn't tell her anything like that.

Q. You didn't? A. No, sir.

Q. Looking again at State's Exhibit DD for identification, I ask you only about the signature. Will you look at the handwriting there - the words: "I have read the above statement on eight pages and state that it is true." Is that in your handwriting? A. I don't know.

Q. You don't know? A. No, sir.

Q. You have known how to write since you were in school - a little fellow - haven't you? A. Yes, I believe I have.

Q. And you are telling me you don't know it is your signature or whether that is your handwriting - is that what you are telling us? A. It is probably my handwriting, yes, but I am not going to swear to it.

Q. You are not going to swear? A. No, sir.

Q. I see. You think probably it is though, don't you? A. I would say it probably is.

MR. BILL: That is all.

THE COURT: Do you want to stop here?

MR. BURKE: That is all.

* * * * *

CHARLES BAIKAL, having been previously sworn was recalled and testified as follows:

THE COURT: You have been sworn. You may sit down.

DIRECT EXAMINATION BY MR. BILL:

Q. You are employed at the Hartford County Jail?
A. Yes, sir, I am.

Q. And have you brought the record book here with you? A. I have, sir.

Q. And whether or not in that record book that you have there is a record of the prisoners at the Hartford County Jail at the time that they are showered and given baths, each prisoner, and I am talking particularly about February 1957. A. In February 1957 our records show that Joseph Taborsky was given a bath -

Q. Well, that is my next question. What is the answer to my first question. Does that show the records?
A. I didn't quite understand.

Q. The records of the prisoners? A. We do have a record for prisoners taking baths.

Q. That is the book? A. Yes.

Q. Is that used in the ordinary course of your business up there as to when the prisoners take showers?
A. This is the log book. Everything is notated here.

Q. Have you an item on Joseph Taborsky in February 1957? A. Our records show that he had a bath on February 27th, 1957.

Q. Does it show it in that book? A. It shows it in this book, sir.

Q. And does it show who took him to the bath?
A. Yes, sir.

Q. Who? A. I did.

Q. Your name is there? A. My name is there.

Q. And do you remember the incident now, referring to the record? A. Yes, I do. I remember it.

MR. BILL: I offer this.

MR. BURKE: Is that the same log book? Do you have the entry? This is the same log book that you had up here yesterday, isn't it?

THE WITNESS: That's right.

MR. BURKE: Is this the one that you told the Court would cripple your operation up there if you didn't have the log book.

THE WITNESS: That's right. It is very important to us.

MR. BURKE: I certainly don't have any objection.

MR. BILL: Then I would like to have -

MR. BURKE: We read it off yesterday.

THE COURT: Yes, can we follow the same procedure?

MR. BURKE: I think so.

THE COURT: Mr. Bill may read into the record what the log book of the jail shows.

MR. BILL: I would like to have the witness follow me as I read it to be sure I am accurate. Where is it? I am reading from page 160 in this log book and stamped about five or six lines down is "February 27th, 1957", and the item is "2:00 P.M. Joseph Taborsky taken to shower room for bath by Baikal." Is that correct, Mr. Baikal?

THE WITNESS: That is correct.

MR. BILL: Your witness.

THE COURT: Any cross, Mr. Burke?

CROSS EXAMINATION BY MR. BURKE:

Q. Does it say anything in there, Mr. Baikal about a shave? A. No, I don't see any notation.

Q. Do you recall whether or not he was permitted to shave? A. On that date I don't think - I don't remember.

Q. You don't think that he was, do you? A. I don't think that he was.

Q. Now, your log book indicates that he was committed on February 26th, 1957? A. That is right, at eight p.m.

Q. At eight p.m. And I would like to read into - is that eight or eight-fifty? A. Well, eight fifty.

MR. BURKE: 8:50 p.m. and I would like to read this into the record, Your Honor.

MR. BILL: Let me see if first, will you, please?

MR. BURKE: Yes, sir.

MR. BILL: No objection.

MR. BURKE: I will read it with the witness so that it will be accurate. "8:50 p.m. Joseph Taborsky committed" - what is this "ADJ"?

THE WITNESS: Adjourned.

Q. Adjourned? A. A cell.

Q. What does adjourned mean, A cell?

Q. Adjourned is awaiting trial from the lower court. We call that adjourned.

Q. Awaiting trial for lower court? A. That's right.

Q. Then it says "Arthur Culombe committed. Adjourned, D." A. He was committed -

THE COURT: Keep your voice up.

A. Adjourned, and he was put in D cell.

Q. Then it says "Keep both above deadlock and separated. O'T." Who is O'T.? A. Officer O'Toole.

Q. Did you make this notation or did O'Toole make it? A. O'Toole made that notation.

Q. But you did make the one on page 160 under February 27th? A. No, sir, I did not make that notation, but Fred Apgar, the man on the desk made the notation, but I took Taborsky down for a bath. The man in charge at the desk makes all notations.

Q. I want to show you on February 28th, 1957, is that notation "8:30"? That's on page 162. Don't read it. On page 162 half way, three-quarters of the way down the page, in the log book, "February 28th, 1957. 8:30 a.m. Joseph Taborsky Cell A borrowed by state police, Sergeant Rome." Did you make that notation? A. No, sir, I didn't. The man on the desk made that notation.

Q. Now, with the exception of that one notation of the bath on the 27th there are no other notations of any baths or clean up, or anything, is there? A. You mean after the 27th?

Q. After or before? Between the 27th and the 23rd, let's say. A. No, sir, there is none before the 27th.

Q. And between the 27th and March 1st is there anything besides that one notation? A. March 1st -

THE COURT: Don't say it out loud. Just look.

A. On March 6th there is a notation.

Q. March 6th, but nothing up until then? A. I haven't seen anything, sir.

Q. If there isn't anything in there, then nothing did happen, is that about it? A. That's about it. Well - that's about it, I would say.

Q. Now, I show you a notation on page 162, February 28th, 1957 -

MR. BILL: This item is one about Arthur Culombe, Your Honor. Do you claim it, Mr. Burke?

MR. BURKE: Yes, I claim it.

MR. BILL: I object to that. That has nothing to do with this situation. We are trying the Taborsky proceedings before the March 1st confession.

THE COURT: What do you claim it for, Mr. Burke?

MR. BURKE: I claim it just to show, Your Honor, the entire picture here of what was going on with these men, first one, then the other, taken out, put back, in and out of there.

THE COURT: And this refers solely to Culombe?

MR. BURKE: This item does, yes, sir.

THE COURT: I will sustain the objection.

MR. BURKE: I believe that is all.

THE COURT: Anything further, Mr. Bill?

MR. McDONOUGH: May it please the Court, I desire to examine this witness. This is not a separate proceeding. This is a trial. Culombe is still on trial right now. I want to examine on a matter that Mr. Burke raised with this witness.

THE COURT: I will deny your -

MR. McDONOUGH: May I have an exception, please?

THE COURT: You certainly may.

MR. McDONOUGH: May that book be kept here, Your Honor?

MR. BILL: What the - I am sorry.

THE COURT: Well -

MR. McDONOUGH: Both Mr. Burke and I believe that it should be kept here.

THE COURT: I am perfectly willing to order that it be made available to you, but as to the keeping of it, I am not inclined to do that.

MR. McDONOUGH: May we have a moment?

THE COURT: Surely.

(Conference between Mr. McDonough and Mr. Burke)

MR. McDONOUGH: Well, of course, Your Honor, this can probably be worked out this way regarding the book. I understand that Mr. Bill stated he is going back to Culombe. That may happen this afternoon.

THE COURT: That's right.

MR. McDONOUGH: So we may avoid the necessity of going into this.

THE COURT: All right.

MR. BILL: What is the custom on baths and showers at the jail. How often? A. At least once a week.

MR. BILL: At least once a week? All right.

THE COURT: You may step down.

MR. BILL: Your Honor, before I proceed any further

may I have a short recess? It concerns the possibility of another witness?

THE COURT: All right. Escort the accused from the courtroom.

(Accused escorted from courtroom)

THE COURT: Short recess, Sheriff.

(Recess at 2:20 P.M.)

AFTER RECESS - 2:35 P.M.

(Jury not present.)

THE COURT: Bring in the accused, Sheriff.

(Accused present in the courtroom.)

THE COURT: Will you proceed, Mr. LaBelle.

SAMUEL ROME, called on rebuttal by the State.

DIRECT EXAMINATION BY MR. LaBELLE:

Q. I want to refer, Lieutenant, to Sunday morning, which would be the 24th of February. Do you recall when you first saw Joseph Taborsky that morning? A. Yes, sir, I saw him in the cell at the State Police barracks in Hartford.

Q. Joseph Taborsky testified you asked him that morning in the cell, "How are you doing?" A. Yes, sir, he did.

Q. Is that so? A. Yes, sir.

Q. What did he tell you? A. He said he was doing all right. I asked him if he was comfortable, if he had had breakfast.

MR. BURKE: I will object to this. It isn't responsive to anything.

THE COURT: You mean it isn't responsive to the question or the evidence?

MR. BURKE: It is not responsive to the question.

THE COURT: Would you read the question, Mr. MacGlashan, please? Read the question and answer.

(The question and answer were read.)

THE COURT: On the basis there should be a question before that?

MR. BURKE: Yes, Your Honor.

THE COURT: Would you read the original question?

(The reporter read the original question.)

THE COURT: Stop at the first part of the answer. The rest may go out.

Q. Was there further conversation at that time?
A. Yes.

Q. What was the further conversation with Joseph Taborsky? A. I asked him if he had had breakfast and he said no, not as yet. And I told him I would take care of it.

Q. Was there further conversation about blankets?
A. Yes, sir.

Q. Tell us that conversation. A. I asked him whether or not he had sufficient blankets and he said he had slept with his clothes on.

Q. Did you do anything when you heard that?
A. Yes, there was an empty cell vacant, a vacant cell that wasn't used in between and I took a blanket from that cell and gave it to Joseph Taborsky to put in his cell.

Q. Did that blanket stay in the cell while he was at the barracks? A. As far as I know, yes.

Q. Did he ever complain to you at any other time about blankets? A. No, sir.

Q. And after February 23 did he ever complain to you about blankets? A. No, sir.

Q. Did he ever complain to you about any other condition in his cell? A. No, sir.

Q. Do you know whether or not he made any complaints to anyone else that came to your attention?
A. No complaints came to my attention.

Q. Now, I want to refer to the time you went to the New Britain Police Court on Tuesday morning?
A. Yes, sir.

Q. I believe you testified, as did Joseph Taborsky, that Mrs. Taborsky, his mother, and his sister visited him in the prosecutor's office outside the courtroom?
A. Yes, sir.

Q. Is that correct? A. It is.

Q. And you were present? A. I was.

Q. Now, at that time, in the prosecutor's office was there anyone else there?

MR. BURKE: I will object to this as repetitious. They went into it on direct examination thoroughly and now we are going into it again.

MR. LaBELLE: It is contradiction.

THE COURT: Mr. Burke makes a good point and I don't think this is new matter. I will sustain the objection.

MR. LaBELLE: May I be heard?

THE COURT: Yes.

MR. LaBELLE: If Your Honor will recall, there was testimony by Taborsky that he requested a lawyer.

THE COURT: I know it.

MR. LaBELLE: And I feel I have a right to contradict that testimony.

THE COURT: There must be a limit somewhere, Mr. LaBelle, and I think it was thoroughly covered on the previous examination of the Lieutenant, and my recollection is - I could be incorrect - that Mr. Taborsky's testimony was in contradiction of the Officer's. I do not believe it is new matter and I will sustain the objection.

MR. LaBELLE: May I have an exception?

THE COURT: Surely.

Q. Now, Lieutenant Rome, sometime a few weeks ago did you have a conversation with Joseph Taborsky downstairs here concerning his attitude toward you?

A. Yes, sir, I did.

Q. Do you recall when that conversation took place?

A. Approximately three weeks ago.

Q. And where was it? A. Downstairs in the lockup in the Superior Court Building - County Court Building.

Q. Down below this room? A. Yes.

Q. At that time what was the conversation between you and Joseph Taborsky as to his feeling toward you?

MR. BURKE: Objection, Your Honor.

THE COURT: What is the objection?

MR. BURKE: I don't know how this is admissible or relevant to any issue - Taborsky's attitude toward Rome.

THE COURT: Well, except this, that in the cross examination there was a question asked Taborsky whether or not he said something about Lieutenant Rome being the only cop he had any respect for, or some such remark, and

it is my recollection that that is new matter. He denied it. This is being offered to cover that situation.

MR. LaBELLE: Precisely, Your Honor.

THE COURT: I will allow it.

MR. BURKE: May I have an exception?

THE COURT: Surely. Answer it.

THE WITNESS: I had a talk with Joseph Taborsky during one of the recess periods and Taborsky said to me, "You know, Lieutenant, I think a lot of you and you are the only cop I ever had any respect for," and he says, "You know as well as I that I am guilty."

MR. BURKE: I am going to object.

THE COURT: I will strike that out. It may stop with the last sentence. Would you read it, Mr. MacGlashan, so it will be clear?

MR. LaBELLE: I don't claim that part.

THE COURT: I want the record clear.

(The reporter read the answer: "I had a talk with Joseph Taborsky during one of the recess periods and Taborsky said to me, 'You know, Lieutenant, I think a lot of you and you are the only cop I ever had any respect for".)

THE COURT: Stop there. The rest may go out.

Q. Showing you State's Exhibit DD for identification, I don't think it was clear the circumstances of the signing of that paper.

MR. BURKE: If Your Honor please -

THE COURT: There is no question - wait a minute.

Q. What day was State's Exhibit DD for identification signed?

MR. BURKE: I am going to object. It is repetitious.

THE COURT: I will sustain the objection.

MR. LaBELLE: May I be heard?

THE COURT: You may be heard but I will sustain it. It is repetitious.

MR. LaBELLE: I don't think it has ever been fully established that he was brought from the jail on the day it was signed and it was signed in the barracks.

THE COURT: I don't know where I got the impression, but it is clear in my mind, Mr. LaBelle.

MR. LaBELLE: I have no further questions.

CROSS EXAMINATION BY MR. BURKE:

Q. Just one question. About this blanket, Lieutenant, you don't know, do you, whether or not there was a blanket there Sunday night? A. No, I do not - Sunday night.

MR. BURKE: That is all.

(Witness excused.)

MR. BILL: That closes the Taborsky situation.

THE COURT: Are you ready to proceed with Culombe?

MR. BILL: Yes, Your Honor.

MR. McDONOUGH: I understand we are going to argue this all at once?

THE COURT: That is what I understood was the agreement.

JOHN F. FERSCH, a witness on behalf of the State, being first duly sworn by Mr. Coburn, testified as follows:

BY MR. COBURN:

Q. Your full name? A. John F. Fersch.

Q. Your address? A. 17 Rosedale Street, Wethersfield.

DIRECT EXAMINATION BY MR. BILL:

Q. You are employed by the State Police Department? A. Yes.

Q. And how long have you been? A. About fifteen years.

Q. And whether or not on Saturday, March 2, 1957, you were, in the evening, at State Police Headquarters? A. I was.

Q. Were you on duty at that time? A. I was.

Q. And what was your duty? A. I was assigned by Lieutenant Rome to guard Arthur Culombe in a cell from about six P.M. in the evening until about midnight.

Q. Did you perform that duty? A. I did.

Q. Were you there during those hours on guard? A. I was.

Q. And whether or not during the evening you talked with Culombe? A. I did.

Q. And will you tell us what was said? A. At about ten o'clock on the night of March 2, 1957 Culombe said that he couldn't sleep because he had something on his mind and he wanted to talk about it. So I asked him what it was and he said he wanted to give me some information relative to the shooting in New Britain, and also about another incident in Hartford.

Q. Where were you at the time in relation to the cell? A. I was seated outside the cell door.

Q. Were you out there all during the time upto that point? A. I was, sir.

Q. And had you talked to him prior to that?

A. At about six P.M. when he first came into the cell block I said, "Hi, Art." - or something of that sort.

Q. And was that all you remember that occurred between you? A. Yes.

Q. Was there anything else said about any other incident - strike that - if there was anything said about any other incident except New Britain I don't care about that. New Britain is what I am asking about. A. He told me on the night of December 15, 1956 he and Joe Taborsky went to New Britain in Culombe's car, which was a 1949 black Oldsmobile, he said that he, Culombe, did the driving and they drove up and down Stanley Street looking, according to Culombe, for a place to holdup. They saw a gas station and they drove into the gas station. When the attendant came out, Culombe asked the attendant to fill up his gas tank, and while this process was being taken care of, Taborsky asked the attendant where the men's room was and he was told and Taborsky left the car and went into the gas station. Culombe, after his car had been serviced gave the station attendant two dollars in payment for the gasoline and then also told the attendant he was going into the men's room. When Culombe and the attendant got to the men's room, Culombe, to use his own words, put his gun on him and ordered him to the boiler room where he shot the gas station attendant. At that point he and Taborsky turned the body of the attendant over and took his wallet from his pocket and they also rifled the cash register. Then about that time a customer drove up to the gas pump and Taborsky -

MR. BURKE: May I at this point object as I did before.

THE COURT: Yes, and the same ruling for the time being. Whatever is said here will have no reference to the Taborsky confession whatsoever.

MR. BURKE: May I have an exception, Your Honor?

THE COURT: Surely. Go ahead.

THE WITNESS: At this point the customer drove up to the gas pump and Taborsky went out and put his gun on that customer and brought him into the gas station in the men's room and Culombe stated he heard a shot and then later saw Taborsky emerge from the men's room. Taborsky then said to Culombe "Let's go", and they both got in the car and drove away. They drove back to Hartford. Culombe told me that Taborsky rode beside him with a gun in his lap and made the remark that if they were stopped he would kill anyone that tried to stop him.

Q. Anything further in that conversation?

A. Well, after relating this information to me, I informed Culombe I would tell Lieutenant Rome about it, and that I did, and after making the phone call to Lieutenant Rome at his home, I then informed Culombe I had informed Lieutenant Rome, and he said, "thanks", or words to that effect.

Q. Did that complete your conversation with him that night, at least in relation to this matter? A. That's right, sir.

Q. Now, the next day were you present at a conference where Culombe was there? A. I was.

Q. And where was that? A. That was in the interrogation room next to the Lieutenant Rome's office.

Q. And that was Sunday? A. That's right.

Q. Morning or afternoon? A. It was in the morning.

Q. And who was there? A. Lieutenant Rome, Arthur Culombe, Officer Moran and myself.

Q. And what took place there? A. A statement was taken from Arthur Culombe relative to the information he gave me the night before and I typed it up.

Q. You typed it? A. I did.

Q. Who conducted the questioning? A. Lieutenant Rome.

Q. And in what manner did he do it? A. Lieutenant Rome would ask Culombe a question, and upon receipt of an answer from Culombe, he would phrase the answer in his own words and ask Culombe if the answer was correct, and if Culombe said the answer was correct Lieutenant would read it and I would type it - the question and the answer.

Q. I show you this - these three typewritten pages and ask you if you recognize them? A. Yes, sir, I do.

Q. As what? A. The statement that was taken from Arthur Culombe by Lieutenant Rome on the morning of March 3, 1957.

Q. Are these the pages that you put on the typewriter? A. Yes, sir.

Q. And is it signed? A. It is.

Q. Was that signed in your presence? A. Yes, sir.

Q. By whom? A. Arthur Culombe, Lieutenant Rome and Frederick Moran.

Q. And the latter two as witnesses? A. Yes.

Q. And you yourself? A. That is correct.

MR. BILL: I offer that for identification.

MR. McDONOUGH: I can't object to that. I can look at it later.

MR. BILL: The same as the rest of them.

MR. McDONOUGH: For identification.

THE COURT: Yes, with the same understanding that it is to be used and examined on.

MR. BILL: At this hearing?

THE COURT: At this hearing only.

(Three page statement of Culombe Marked State's Exhibit EE for identification.)

Q. One other question. I want to clear this up. You say that you sat at the cell there of Culombe between six and what time? A. I sat there from six until about midnight.

Q. And about what time did he make an oral statement to you? A. About ten p.m

Q. And was there anybody else there, either in the cell or in the vicinity of the cell, other than you and Culombe? A. There was not.

Q. From the time that you went on there at six o'clock until he made this oral statement around ten?
A. To the best of my recollection there was no one there.

Q. Nobody talked to him? A. That's right.

Q. And you hadn't talked to him about this situation up until then? A. No, sir, I had not.

MR. BILL: Your witness.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. What time were you on guard duty, Officer?
A. From about six p.m. until about midnight.

MR. McDONOUGH: May I look at this for a moment, Your Honor?

THE COURT: Surely.

Q. When was the statement that you typed, Officer, taken? A. On the morning of March 3rd, 1957.

Q. Sunday morning? A. I believe that it was Sunday morning.

Q. What time? A. I believe that it started about 11:30 A.M.

Q. Now, this was subsequent - question withdrawn. You have been in this courtroom for several days, haven't you, probably a week, listening to the testimony?
A. Yes, sir.

Q. And you knew of the statement that Culombe signed on the Thursday, on Wednesday, February 27th?
A. I knew of it.

Q. You knew of it, and you knew of it at the time that you talked to Culombe on Saturday night? A. Yes, sir.

Q. You hadn't seen it, but you knew about it? So this statement was subsequent to the time that Culombe gave the statement that I am referring to? A. That's right.

Q. At the time that you talked to Culombe on Saturday night, Culombe was by then a pretty thoroughly beaten individual, wasn't he? A. Not to my knowledge.

Q. Well, he was down in the boots, as the expression is used, wasn't he A. He might have been.

MR. BILL: Objection?

Q. Was he?

THE COURT: There is an objection. I must say that I am inclined to sustain it because my interpretation might not be the same as the witness. The answer may go out.

MR. McDONOUGH: Maybe he doesn't know what "down in the boots" means.

THE COURT: Maybe I don't, either.

MR. McDONOUGH: I won't make any comment.

THE COURT: Thank you, Mr. McDonough.

Q. How was he feeling? How did he feel?
A. I'd say that he felt restless.

Q. Restless, nervous, is that right, Officer?
A. That's right.

Q. And you went to work about six o'clock?
A. About that time.

Q. And when you first went to work did you have a conversation with Culombe? A. I believe I said "Hi, Arthur," or words to that effect.

Q. Just gave him the time of day, or of night, right?
A. That's right, sir.

Q. And when is the next time that you talked to Culombe? A. About ten p.m.

Q. What were you doing when the conversation started? A. I was reading a book.

Q. In the corner in the cellblock? A. Yes, sir.

Q. What cell was Culombe in? A. The first one.

Q. How many cells are in that block? A. Three.

Q. Was Taborsky in a cell in that block on Saturday night? A. No, sir.

Q. He was at the county jail? A. Of my knowledge I don't know that.

Q. He wasn't in the cellblock, anyway? A. No, sir.

Q. Culombe was in number one cell nearest the door?
A. That's right.

Q. Anybody else, any other prisoners in any of the cells? A. Not to my recollection.

Q. Any of those officers in the cellblock between six o'clock and ten o'clock? A. Not as far as I can recall.

Q. And your conversation with him that you have referred to, started about ten o'clock? A. Yes, sir.

Q. And how long did that conversation take?
A. About fifteen or twenty minutes.

Q. Now, is the statement that has been reduced to typing and marked "State's Exhibit EE the same as the statement that Culombe gave to you verbally on the night of Saturday, previous to the day that the statement was taken? A. Substantially it is the same with the exception of the major incidents involved in Hartford.

Q. As far as the New Britain matter is concerned it is substantially the same? A. Yes, sir.

Q. You mean that there might be differences in what they did when they were on Stanley Street before the claimed hold up, is that right? A. May I have that question?

Q. For example - I will withdraw that, Officer, and put this one. In your direct examination you said that Culombe told you that "He drove up and down Stanley Street, in New Britain." Now, did he say that to you?
A. Yes, sir, he did.

Q. In the statement it said "While riding on Stanley Street toward the center of New Britain we saw a gas station on the left hand side", and so on. "We rode past the station for a way, turned around and drove into the yard." In other

words what he said to you Saturday night, "We drove up and down Stanley Street", has not been put into that statement in that fashion? A. That's right.

Q. And that's the way your statement differs on Sunday morning that was reduced to typing, from that of Saturday night? A. That's right.

Q. Did this conversation with Culombe on Saturday night take afout fifteen minutes? A. Fifteen or twenty minutes.

Q. Was anyone else there when you had this conversation with him? A. There was not.

Q. What did you say when you finished the conversation? A. I told Arthur Culombe that I would so advise Lieutenant Rome of the conversation that had just transpired.

Q. Well, what did you do? Never mind what you told Arthur Culombe. What did you do? A. I called Lieutenant Rome.

Q. At what time? A. Approximately 10:25 or 10:30.

Q. On that Saturday night? A. Yes, sir.

Q. Did you see Lieutenant Rome on Saturday night?
A. I did not.

Q. But you did talk to him on the phone? A. I did.

Q. Where did you talk to him? At his home?
A. At his home.

Q. Have you put everything into the statement - question withdrawn. Is everything in this statement substantially as it applies to the New Britain incident, that he told you? A. It is.

Q. I don't mean such as the Stanley Street incident, driving up and down, or just riding on Stanley Street. I mean as to what happened in the gas station? A. Yes, sir, it is.

Q. Everything in there is correct so far as you know? I don't mean as to what happened, but as to what he told you? A. Yes, sir.

Q. You are certain about it? A. Yes, sir, I am.

Q. Did he tell you how the gun happened to go off? A. I don't think that we discussed that Saturday night.

Q. Well, are you sure he didn't? A. I am sure that he didn't.

Q. Did you make a note Saturday night at the time that he told you, of what he said? A. I made a brief note as to date.

Q. Is that all? A. That's all.

Q. How long have you been with the state police? A. About fifteen years.

Q. Isn't the policy of training the state police department that notes be made of a statement? A. I think so.

Q. Other than the dates? A. I believe so.

Q. Here is a man that was telling you about a hold-up and a murder and you are the only one that heard it and you made no notes? A. Yes, sir.

Q. Why? A. Because we were going to get a statement from Culombe the following morning.

Q. How do you know that you were? How did you know that you would? A. I had talked to Lieutenant Rome about it.

Q. But how did you know that Culombe wouldn't renege in the morning? A. I didn't know.

Q. So you didn't know that you were going to get a statement from him in the morning? A. That's right.

Q. That is your answer, isn't it? A. That is my answer.

Q. And yet not knowing whether you would get a statement in the morning from Culombe, you made no notes of the conversation? A. I made no notes other than I put the date down, and the fact that I had a conversation with him.

Q. Where are those notes now? A. In my pocket.

Q. Have you them with you? A. I have.

Q. Could I see them?

That half is a note referring to the admittance, as you phrase it on Saturday night, and the other half of the note is that on Sunday the statement was typed out? A. That's right.

Q. But as to what he said? Your conclusion that there was an admittance. Those are your personal notes?
A. That's right.

Q. They are not really personal notes, are they? They are official notes, aren't they, in the course of your police duty? A. I don't quite understand the question.

Q. Those notes were made in the course of your duty as official police notes? There is nothing personal to you about them, is there? A. That's right.

Q. Is that a notebook that you keep in the performance of your police work? A. It is a notebook that I started using when I was assigned to this investigation.

Q. There is nothing personal, such as personal purchases, or if you went on a fishing trip, written in that book, is there? A. No, there isn't.

Q. It is all police notes? A. That's right.

Q. Why didn't you turn those notes over to your superior and be made part of this file, the Culombe file? A. I did type a statement the following day relative to that information.

Q. When did you type the statement? A. The following day.

Q. Sunday? A. That's right.

Q. And did you put in that statement - question withdrawn. May I have the statement? A. I don't have the statement.

MR. McDONOUGH: May I ask the State, through the Court, to produce that statement?

MR. BILL: Certainly.

Q. Don't you think that it would have been much better, Officer, to have made a complete notation of everything he said that night so that it would have helped us in the trial of this case?

MR. BILL: Your Honor, I object.

THE COURT: I sustain it.

MR. McDONOUGH: May I have an exception, please?

THE COURT: Certainly.

Q. What branch of the State Police Department at that time, Officer, were you assigned to? The Special Service? A. That's right.

Q. The Special Service Division is the Detective Division of the state police, isn't it? A. That's right.

Q. How long had you been with the Special Service?
A. Since about the latter part of January of this year.

Q. Now, you were present when State's Exhibit EE for identification was typed out? A. I was.

Q. You typed it out? A. I did.

Q. Whose language is this in the typing of this?
A. Most of it is Lieutenant Rome's but I believe that there are some direct quotations in there.

Q. Did he say this to you? I am reading from the statement Officer: "I told him to get into the right corner of this room and he did not seem to want to do what I told him, so I pushed him with my left hand. He hit the wall with his back. Then he seemed to come at me and then I pushed him again, and then the gun went off." Did he say that to you on Saturday night? A. Not in those words.

Q. Well, did he say this on Sunday? A. Did he say that on Sunday?

Q. On Sunday when this statement was typed by you?
A. Not in exactly those words.

Q. If he didn't use those words why did you put those words in there? A. Lieutenant Rome told me to.

Q. What words did he use - question withdrawn. He used other words, didn't he? A. That's right.

Q. In other words, the statements that Culombe made are not typed into this State's Exhibit EE, but it is a statement of Lieutenant Rome, that is correct, isn't it?
A. It is a statement of Lieutenant Rome taken from Arthur Culombe.

Q. I didn't ask you that.

MR. McDONOUGH: May the answer go out, Your Honor, as not responsive.

MR. BILL: May I hear the question, Your Honor?

THE COURT: Read the question, Mr. Burke.

(Last question read by reporter)

THE COURT: Now read the answer.

(Last answer read by reporter)

THE COURT: I'll strike it out. Read the question.

MR. McDONOUGH: I will reframe it.

THE COURT: All right.

MR. McDONOUGH: Then we will avoid controversy. I don't like controversy.

THE COURT: It is nice to hear it.

Q. Did you type out the statement of Arthur Culombe? A. I did.

Q. Did Arthur Culombe give you a statement?
A. No, he gave it to Lieutenant Rome.

Q. Well, whose dictation were you taking, Lieutenant Rome's or Arthur Culombe's? A. Lieutenant Rome's.

Q. Arthur Culombe spoke English, didn't he?
A. Yes, sir.

Q. You heard him on the witness stand in this court?
A. I did.

Q. You had no difficulty understanding what he said, did you? A. No.

Q. Saturday night that you testified to, you understood what he said, did you? A. I did.

Q. And you could have typed down, if you had a typewriter, what Culombe said, couldn't you? A. I could have.

Q. And Sunday the statement of Arthur Culombe could have been typed by you, isn't that so? A. That's right.

Q. It wasn't necessary to type the statement of Lieutenant Rome, was it? Culombe's language was capable of being put down in black and white, that is so, isn't it?

A. That's right.

Q. So that this is the statement, regardless of where it came from, but State's Exhibit EE is not the statement of Arthur Culombe but is the statement of Lieutenant Rome, isn't that so? A. Yes.

MR. McDONOUGH: That's all. Thank you, Officer

REDIRECT EXAMINATION BY MR. BILL:

Q. Well, now, when you say that, what you took down, were there questions and answers between Lieutenant Rome and Culombe? A. There was.

Q. And when a question was put by Lieutenant Rome was there an answer? A. There was.

Q. Given by Culombe? A. There was.

Q. It was in that form, was it? Was the matter discussed before? Was the matter discussed and then Rome put it in form?

MR. McDONOUGH: I object.

MR. BILL: I claim it, Your Honor.

MR. McDONOUGH: Object for two reasons, Your Honor. The first reason is, it is leading, but as Your Honor

has said, that in itself is not sufficient, but it doesn't help any.

THE COURT: It is a matter of opinion.

MR. McDONOUGH: But secondly, it is repetitious.

THE COURT: It is repetitious. The witness testified that Lieutenant Rome asked Arthur Culombe questions, that Arthur Culombe gave answers, that Lieutenant Rome rephrased it or put in other words and then asked Culombe whether or not that was correct, and Culombe said that it was, and then he nodded to the witness who then typed the second question and the correction, as I understand it.

MR. McDONOUGH. That has been the testimony.

MR. BILL: If that is clear in Your Honor's mind -

THE COURT: That is the testimony.

MR. BILL: But Mr. McDonough is getting the witness to say that it is Lieutenant Rome's statement and not Culombe's. If Your Honor understands the situation -

THE COURT: I understand it.

MR. McDONOUGH: That is a matter of argument, I'll claim it's Rome's statement.

THE COURT: I understand you will. That is my understanding at the State's evidence, and my understanding of the cross examination is that he said that it was not Arthur Culombe's statement but Lieutenant Rome's statement.

MR. McDONOUGH: That's right, Your Honor. And I left it there, well satisfied.

THE COURT: Thank you.

MR. McDONOUGH: That's all.

THE COURT: Anything further?

MR. BILL: No, that's all.

THE COURT: You may step down.

MR. BILL: That's all for Culombe.

THE COURT: You are ready for arguments? Are you ready to proceed or would you like a recess?

MR. McDONOUGH: We would like a little time.

THE COURT: Will you escort the accused from the courtroom?

(Accused escorted from courtroom)

THE COURT: Short recess, Sheriff.

(Recess at 3:15 P.M.)

AFTER RECESS - 3:30 P.M.

(Jury not present)

THE COURT: Bring in the accused, Sheriff.

(Accused present in the courtroom)

THE COURT: Mr. LaBelle, when you are ready.

MR. LaBELLE: May it please the Court, the State's position, of course, Your Honor, is that the three exhibits marked for identification, namely, the first statement of Culombe, the statement of Taborsky, and the second statement of Culombe, were confessions that were obtained voluntarily without any force or promises, without any threats or violence, and that all three are proper to be admitted in evidence.

I might say, Your Honor, that the first question that comes up is the conduct of the investigation by the State Police people, and I say this after some thought, that the investigation and the procedures followed by the State Police Department were on the highest traditions of law

enforcement procedure. I don't think there is a scintilla of evidence that our State Police Department did anything other than try to obtain in a fair and proper way the truth involving the matters they were investigating. Any innuendo to the contrary does not bear out the fact.

There has been something said, for example, Your Honor, that Saturday the two accused were permitted to drink liquor. The State's position is, Your Honor, however much they had to drink - I don't know that there is any evidence we had that it was a half a pint or a gallon bottle, - but whatever they did on that occasion, they were not under arrest at that time, and whatever happened on that day was certainly a good many days before any of these exhibits we are offering in evidence were obtained.

There has been no evidence, whatsoever, Your Honor, of trickery or misstatements made by the State Police - none whatsoever. Proper police investigative procedures were followed in every instance, and there hasn't been a bit of evidence here to indicate that these exhibits were obtained in any other but a voluntary and proper way.

For example, let us take the first statement of Culombe. There is any evidence that there was any promise made to Culombe; no evidence of any threat. There is an alleged claim that he was kicked in the ankle and ribs, but as far as that evidence was concerned, it is self-serving and not substantiated in any way. There were no marks; he never mentioned it to his wife on the very afternoon when he made his confession; he was there in his own apartment sitting with his wife and talking to her, and not once did he mention to her that he had been abused in any manner whatsoever.

The fact that these confessions were obtained, Your Honor, while they were in custody doesn't make them involuntary. Naturally, the State Police in this instance were

going to conduct an investigation. They are charged with that duty, and I say they conducted it according to the highest standards. In the Taborsky confession, Your Honor, from Tuesday night at 8:00 o'clock until 6:00 o'clock on Friday night, when this confession was obtained, the man was talked to for only one hour. That doesn't appear to have any third degree methods applied. And on Thursday, too, Your Honor, in this court, he was warned of his constitutional rights by Judge Bordon, and yet, the very next day, at 6:00 p.m. o'clock or thereabouts, this confession was obtained when his mother came to see him; and at that time, Your Honor, there doesn't appear to be any evidence other than the fact that his mother was trying to obtain the truth. Even the witness himself and his mother told him to tell the truth, and after all, what is the reason for obtaining a confession except to obtain the truth?

There has been a claim, Your Honor, as to motive in confessing. For example, Taborsky's motive that he wanted to relieve his mother's mind. What relief did he want to give to his mother? Only to tell the truth. That isn't coercion. And whatever his motive was in this case, Your Honor, as long as that confession was obtained and made voluntarily, it is a perfectly proper exhibit to be admitted into evidence.

The same thing with Culombe. What did his wife tell him to do? She also told him to tell the truth. Both of these confessions by both of these men as a result of these please to tell the truth.

Now, to come back again, Your Honor, to the facts in the Culombe case. This is what he testified to - and if his testimony were substantiated and is believed, any claimed kicking in the ankle or the ribs, which he alleges was done on Monday - he went to the County Jail on Tuesday and nobody knew about it. He didn't make any complaint to

anybody on Tuesday about it. He didn't get any medication on Wednesday or talk on Tuesday about it. The confession didn't come until Wednesday afternoon or Wednesday night - at least two days after he claims he was kicked - if he was kicked.

Certainly there is no evidence to substantiate that the confession, when it was given, was anything but voluntary. And another thing that happened in that confession, Your Honor: He testified he was treated like a father by Sergeant Paige. He didn't see dectectlve Murphy until the afternoon when he started to talk to him. He gave his confession to two police officers who, according to his own statement, treated him with kindness.; Does that show any involuntariness?

As to Culombe's second statement, he also was in the court on Thursday, and the exhibits show that he was warned again all through that he didn't have to give a statement, that he could cooperate with the State Police if he so choose to, and he said to Judge Bordon that he wished to cooperate with them. He confessed the night before on his first statement. What did he do again after that on Saturday night, when no one was near him and nobody had said anything to him for several hours, when a police officer who was guarding him at the jail and reading a book - some four hours had elapsed without anyone saying anything to him, and he called the officer over and told him he had a story to tell him. How much more voluntary can they get?

And so, Your Honor, it is the State's claim that on all three of these confessions, there was absolutely no evidence of coercion, promises, threats or anything, and that the methods employed by the State Police in this instance were not the highest calibre and any procedures followed by them was nothing but of the best and done simply and

purely to carry out their duty, and particularly to obtain the truth.

THE COURT: Mr. McDonough?

MR. McDONOUGH: May it please the Court, this is an important trial. It is important to these two men because their lives are at stake. It is important to the State of Connecticut and to Society because two men are being tried for their lives.

Things are often done during the heat of argument that are not meant, and criticism is made, not to hurt, let us put it that way. The criticisms are sincere, they are vigorous, but not meant to hurt. If they do hurt, it is unfortunate. If the truth hurts it is unfortunate, but the truth often hurts, and the State's Attorney, in opening the argument for the State, certainly invites criticism of the State Police by and as an officer of this court and as counsel for the defendant Culombe. I have to criticise the State Police Department when the Assistant State's Attorney gives credit to the State Police. If this was, to use his language, in the highest traditions of the State Police Department, then those traditions certainly have a very low ceiling. If he says that the highest motives were exercised here by the State Police, I will answer that by saying there was undoubtedly a motive to solve crimes that were disturbing the people of the state. And that is a high motive and a lot of work, but high motives of that sort do not bring with them the stamp of approval to the actions of the officers in seeking to obtain these confessions in violation of the laws of the State of Connecticut.

There never has been, outside the Rogers case, which I am citing to Your Honor, to my knowledge - and it could have happened before - where the rights of the people were more flagrantly and deliberately violated than in this case, and those rights were violated in an effort to induce state-

ments, or so-called confessions, made by the defendants - in my case, Culombe - to be used against them in an effort to send them to the electric chair.

Now, the very last witness, I think, sums up the position on all of these exhibits that are offered as full exhibits. They are offered as the statements of Culombe - and I am merely speaking, as you know, of Culombe's statements. There is not any exhibit in this case that is a statement of Arthur Culombe - not one. We have offered here the statements of Lieutenant Rome, and the statements of Lieutenant Rome are not admissible against Arthur Culombe. Arthur Culombe speaks English, as is well established by the time he spent on this witness stand. If any other proof is necessary, it can be disregarded, because this transcript is filled with statements made by Culombe in this courtroom, and there was no difficulty for those who transcribed his statement.

Officer O'Brien, a witness in this case, was, at the time the statements were typed out by him, a stenographer able to take shorthand statements. Officer O'Brien could have taken down any statement made by Arthur Culombe, and the State does not offer any such statement. That is the statement of the State in this case, and it is nailed down by the testimony of the State's own last witness, Officer Fersch, who says that he could have taken them down - the statements - and typed the statement made by Culombe, and that could have been offered in evidence, but that was not done.

Now, I felt, from a clearly legal standpoint, on the record, these are not Culombe's statements. If Culombe could not speak English, if there had to be an interpreter, and we had to say these are his interpretations, that could be typed out, but that would be his statement. If there were questions and answers, as the State claims, in this

case, those questions and answers could have been taken down by Officer O'Brien, and it probably would be admissible, but here is a statement to be offered by the State as the statement of Arthur Culombe, which is something different.

Before a statement can be accepted in evidence, first, it has to be a statement of the accused; then it has to be subjected to the test as to whether or not it is a voluntary statement. Confession is merely a word - it is a coined word. Confession is a statement. A statement can be a declaration, a confession or a number of things. In a criminal case it is true it is called a confession, but first, the State has to show it is a statement of the accused. There is no evidence here that shows that these two exhibits offered by the State are statements of Culombe . . So, first, leaving out the voluntary aspect of the exhibits offered by the State, I say there is no statement at all, so they are out for that reason in itself.

Whether or not Your Honor will agree with me when you come to that point, you reach a decision that they are not statements of the accused, you will exclude them. But Your Honor might reach a point where you decide they are statements. Then you come down to the question - Are they voluntary statements? The claim by the defense is that they are not voluntary; that they were obtained by force, by coercion, by pressure and by threats. How far the evidence shows promises, I don't know, unless we can prove that the statement made to Culombe that they asked him: "What do you want to take the rap for - why don't you take the lesser rap?" - if that could be construed as an inducement or a promise that he could get a lesser penalty than the top penalty, I don't know.

But there is certainly evidence here of force through kicking and striking and choking, and when Mr. LaBelle

says there is no evidence in this case of force on the part of the State Police in obtaining this evidence, Mr. LaBelle is disregarding the testimony. If Mr. LaBelle wants to disregard the weight to be given to that testimony, that is a different story. But there is evidence. Of course, consideration is to be given that evidence - that is entirely up to the Court. But for the State's Attorney to say there is no evidence of force or threats or coercion or pressure - the State's Attorney is wrong in that claim, and that is my position. I think it has to be faced by everyone that there is evidence, and our claim is that that evidence is sufficient for the Court to exclude the offered exhibits, even if the Court does consider that they are Culombe's statements, - and the State has to overcome that hurdle first.

Now, I realize that the law as laid down in the case of State of Connecticut against Rogers has been violently and openly disagreed with by a higher court in the land. It is disagreed with by the Supreme Court of the United States, and it is disagreed with by the District Court of the United States for this Federal District when that court granted a writ of habeas corpus after the matter had been confirmed by the Supreme Court of Connecticut and was sent back for retrial. As I understand the situation, that decision of the Federal Court puts the case back as pending before the courts of this state.

But even this case does not meet the law in the Rogers case as laid down by the Supreme Court, in which Mr. Justice Wynne, in State against Rogers, after discussing the claims in this case, the claim being that the defendant was held at the county jail, and that is our claim here - that Culombe was committed to the County Jail on February 26, and in that case, he was brought to the State's Attorney's office where he made a statement to the police. Our claim is that he was taken unlawfully from the County Jail to the State Police headquarters where a statement they claim

he made and we claim he did not make was made to the State Police. And in the Rogers case that later he made a second statement before the coroner, and they were called illegal because the officer had no legal right whatsoever to take him out of the jail. "He also protests that he was held incummunicado and denied legal counsel before the statements were made".

That is the exact situation in this case. Culombe was held not only for a matter of eight hours, but a matter of five days and five nights, and then this so-called statement of Culombe's was obtained. The Supreme Court of this state conceded that this was all true and that such conduct was unlawful. So just for the sake of argument, the State may - and I don't say it will, but for the sake of argument, the State may say in answer to our claims that it concedes our claims are true, and that such conduct in itself was unlawful, yet standing alone it does not render the defendant's confessions inadmissible. That is the rule in the Rogers case.

And the Court said in the Rogers case, "The question is whether under these and other circumstances of the case that conduct induced the defendant to confess falsely that he had committed the crime being investigated. Unless it did, it cannot be said that its illegality vitiated his confessions."

That's our rule and that's where it disagrees with the Federal rule. But even the rule in the Rogers case - and again to a certain extent in this particular case - doesn't apply, because under the State's own offer itself testifies by its two offers to the falsity of Culombe's first confession, because in the offer of the so-called first confession by the State, State's Exhibit Z, that statement states that Taborsky shot and killed both of the men in the station, that Culombe stayed outside; and then the State offers another so-called

statement of the accused Culombe in which Culombe says that he shot and killed - that a gun went off that he handled, from which the death of Kurpiewski, the gasoline station attendant, resulted.

That second offered statement on the part of the State, if accepted as the truth, shows the first one to be false; so therefore the rule in the Rogers case is applicable in this case, because our rule in Connecticut, apparently, at the present time is that where certain acts, even though unlawful, are admitted, the confession is admissible unless it is shown to be a falsity. Well, there is shown to be a falsity in Exhibit Z offered by the State, because in a later statement or claimed statement offered by the State they claim that the statement was false, that Culombe actually handled the gun that killed one of the deceased men.

I call to Your Honor's attention that in the Rogers case there was a dissenting opinion by Justice O'Sullivan, now the present Chief Justice, and he wrote a rather lengthy opinion, if it may please the Court, and I am not certainly going to read all of his opinion, because Your Honor has read it; I am going to call to your attention certain portions of it that apply to this case. Referring to the defendant in the Rogers case our present Chief Justice said:

"The removal of the defendant on January 30th and his detention for over twelve hours in the State's Attorney's office were clearly illegal."

Well, we've got twelve hours in the Rogers case that the Chief Justice designates as clearly illegal, and in the Culombe case we've got five days and five nights, which, if measured in that one particular instance of the Rogers case, were clearly illegal in the present case before the Court now. It is flagrantly illegal.

Justice O'Sullivan says: "While the investigating authorities" - and I call this to the attention of the State.

It applies here. - "have the duty of attempting to solve crimes and of bringing criminals to trial, that does not confer upon them any right to use unlawful measures to attain their ends."

And that was done here, and done almost concededly by the admission of the police officers on the stand in this particular case. And I don't believe there will be a claim by the State that their actions were lawful in the matters that we claim were unlawful.

The police officers and the county jail acted unlawfully when Culombe was borrowed - That's a new word to be coined in our legal phraseology; "borrowed". It's even on the records of the books of the Hartford County jail that a man committed to the custody of the keeper of the county jail, until discharged by due process of law, was borrowed by the State Police. That was unlawful. The keeper of the jail had no right, no right whatsoever, to allow Culombe to be taken out by anyone without an order of Court.

And I am stressing this because it is the opinion - the dissenting opinion of the Chief Justice and the opinion of the United States District Court in sending that case back for a new trial.

The action of the County authorities was flagrantly unlawful. And how did they go about it? The very manner the evidence in this case shows that they realized the illegality of it. And who was the victim of the illegality? The defendant in this case. What was the purpose of that illegal act? And I am now constantly referring back to this Rogers case, and to the Rogers case in the Federal Court. What was the purpose of those illegal acts in the county jail, the violating of an order of a criminal court of this State? To induce a so-called confession or a statement which is offered in evidence in this case. And how was it handled at the jail?

Mr. Bill very properly objected to my use of the word "kidnapping" during the course of the examination on yesterday. When I was examining Mr. Baikal from the jail, when he put him outside the door and I said, "He grabbed him", and that was stricken out by the Court; very properly so, because that should be reserved for argument. Well, here is argument, and now I use those words. The kidnapping is unlawful. Kidnapping in certain cases - And I don't claim that it was done as is meant under our criminal statutes - but kidnapping is a word in the English language which I understand to mean the taking and the transporting of a person against their right to be taken. That's the way I consider it, and Culombe was in the custody of the keeper of the Hartford county jail by virtue of a legal order, and what happened?

A guard goes to his cell - This is not only illegal; it is outrageous and we ought to stop such procedure. I hope that the result of this trial is to make public officials obey the law. I don't know what good it will do us in this case, even though our rights were violated.

A guard goes to his cell, unlocks the door, tells him to get his coat, or whatever he has, brings him through the cell block, opens the door from the cell block into the hall, and pushes him through. And as a matter of fact the guard did answer "Yes" when I said "grabbed" - "and the State Police grabbed him". And they had no right to do it. And they brought him to State Police headquarters and worked him over some more until that afternoon they got the confession. And when I say "worked him over" I mean worked him over. But in the first place that was an illegal act, taking him out of that jail.

Now, Judge Smith, in sending that case back for a retrial, said, "If the confessions were coerced" - and I claim they were coerced in this case; and all of these instances

that I am mentioning add up to the word "coercion". Each one in itself might not mean anything, but all added together attains what is now being offered against the accused and labeled as his voluntary confession. I have never heard, in the face of the evidence that has been introduced in Court, such a hypocritical claim in all my career at the Bar. I label it as a hypocritical claim that these are voluntary confessions.

Judge Smith said, "If the confessions were coerced", - and I am reading from the opinion - "that is, involuntary, it was a constitutional error to admit them into evidence on the question of Roger's guilt. *Citing Stein vs. New York*, 346 U. S. 156; *Leyra v. Denno; Rochin vs. California*, 342 U. S. 165.

And Judge Smith had this to say in his opinion:

"The Supreme Court of Errors in this case appears to assume that admission of a coerced confession is not constitutional error unless the confession is shown to be untrue. This is not in accord with the federal constitutional rule which we must apply here."

And if we must apply the federal constitutional rule in the murder case of State of Connecticut vs. Rogers we must apply the federal constitutional rule in the murder case of State of Connecticut vs. Arthur Culombe, and we must apply that rule which says that the admission of a coerced confession is not constitutional. And if there was ever anything more reasonable that appeals to reason and common sense than the language that I am about to read, I don't know what it can be. Again it goes back to the basic rights of free men.

"Use of involuntary verbal confessions in State criminal trials is constitutionally obnoxious not only because of their unreliability. They are inadmissible under the Due Process Clause even though statements contained in them

may be independently established as true. Coerced confessions offend the community's sense of fair play and decency."

What was the coercion in this case? I am stopping there on a point of law raised in that case. Our Federal Court, following the United States Supreme Court, says is an involuntary confession. I know that the State's Attorney will admit that if Your Honor is shown that these confessions were involuntary confessions they are not admissible. What is the evidence of Culombe that they are involuntary confessions?

Yesterday afternoon I sat here while I had an hour or an hour and a half or two hours of leisure while my associate labored, and made notes of the evidence in this case as it affected Culombe, and to be rather conservative, because I wanted to listen to what was going on, I only arrived at sixteen specific instances of involuntariness and unlawful acts upon the part of the State in obtaining these confessions. Maybe one in itself, maybe two or three, even, added together, though I think they should be sufficient, one in itself might not. But when we have sixteen that I can point out to the Court - and only I don't want to impose further upon Your Honor's indulgence, which certainly has been great up to this point, I think I could go to many more times than sixteen, but I think Your Honor probably can recall the testimony of instances, as Judges often do, that are not even pointed out by counsel.

Culombe was taken into custody - Culombe was arrested - Let's call a spade a spade - on Saturday afternoon. Culombe didn't even have the opportunity of a gracious invitation to drive down to headquarters. Taborsky and Culombe were met by two State Police officers in front of Mrs. Taborsky's home and invited to go to police headquarters. Taborsky could either ride down with Culombe

in his car, following the State officers, or Taborsky could ride down with the State Police. And they rode to State Police headquarters. Taborsky went inside; Culombe drove away. He wasn't in custody. I am not going to argue the Taborsky situation because Mr. Burke can do it probably much better than I could attempt to do it.

Culombe went away. He was still free. He wasn't even in custody. He hadn't even received one of their invitations. But he went home. Then he was taken - Let's get away from this honeyed word that was used here. Honeyed words when they talk about the motives and efforts and work of the State Police. Honeyed words were used by the State Police in their investigation, besides rough words, such as "a God damn liar" and other filthy and profane names applied to the accused. And the honeyed words were used here, and whether or not Lieutenant Rome called Culombe a "liar" - and I'm not going to be responsible by constantly taking God's name in vain in this Courtroom unless it is necessary. Your Honor heard the testimony. But he called him a "liar" - I say that - in the barracks. He added the label and I think that I am justified in asking Your Honor to believe that he did. Why do I say that? Merely upon this alone: His conduct right on the witness stand, and in a raised voice Lieutenant Rome referred to Culombe in this Courtroom as a "liar" several times. The man's got a temper. I can imagine that temper when it went to work on Culombe.

Lieutenant Rome did admit that he was a sorry sight when it came time to be presented in this Court the night that he signed the statements after midnight. No coercion? He was taken into custody and placed under arrest. I asked Lieutenant Rome - and I am going into this arrest question because if Your Honor comes to the conclusion - I don't see how Your Honor can, but you can; lawyers sometimes differ with judges. That's why we have judges, to make the

decisions. But I think on the evidence that Your Honor will not believe that Culombe, when he was taken by three officers from his home a half an hour after Taborsky had gone into police headquarters, that he was an invited guest, because I asked Lieutenant Rome when we went into the Taborsky and Culombe ride that afternoon, and Lieutenant Rome insisted that they were invited to go, I said to Lieutenant Rome, "Supposing Taborsky had turned on his heels and said, 'Good bye, fellows; I'll see you later.' " What was Rome's answer? And this is significant as to whether or not they were in custody and under arrest. "I'd like to see him try it." That's in the record. Of course we know that's the situation, whether they were under arrest; they were in custody.

I'm not going to make too much about the drinking episode at all. I think it's unfortunate that it happened, for many reasons which we all understand. It probably had this to do with their confession, so-called, or statement, so-called - I come to this stage in the case, Your Honor, where I can only say "confession, so-called" and say "statement, so-called", because I am consistently claiming they are not my client's statements. - I don't think that the quart of whiskey had anything to do with the final signing in itself. I do think it was a pattern that the police were adopting in this case, all goodness and light in an effort to induce them, and there's nothing wrong with that sweetness and light to induce people to sign confessions. It's the force and promises and threats that make them inadmissible. If by patting people on the back and telling him "You're a great fellow", and "Will you have a little drink", so long as they don't get him drunk, or serving him chocolate cake or apple pie and ice cream, that wouldn't be wrong under the law. And after being treated so royally they said, "These are a pretty good bunch of fellows. We'll give them a break and sign what they want." Those con-

fessions would be properly obtained. But if they did give them enough liquor where the liquor affected them and they obtained statements from them, then, of coures, those statements would be inadmissible. They would be involuntary.

But I don't claim that that liquor made those men drunk so that they signed statements, unless it was pretty strong liquor where the effects lasted for five days. They had a hangover at the end of the five days but it wasn't from the effects of the liquor. It was, I think, from what they were going through. And when I say "what they were going through" I am trying to be as fair as I can, being a partisan in my position. What they were going through, naturally, was a charge of murder, which in itself is pressure enough. That's pressure itself.

And that in itself wasn't unlawful. That isn't even unlawful as an incident. But when they add an artificial situation that induces the bringing about of the statements, verbal or signed, then those statements are inadmissible. And for one moment I point out to the Court, do not let us lose sight that not only are our claims applicable to these signed pieces of paper - and that's what they are; I'm not even going to dignify them by calling them "statements" - signed pieces of paper drawn up by the State Police. These claims also apply to them, and there will be a motion made at the proper time to strike out any verbal statements of the accused because of the method in which they were obtained.

But what was done? What was done to the accused and what was refused the accused? - When I say "the accused" I am only talking of Culombe - in violation of their rights in an effort to get them to sign these pieces of paper?

In the first place, being in custody, and Culombe was - They call it "booked". I don't know whether it was

booking or not; at least he was in the State Police records. He was a prisoner. He wasn't an invited guest any longer, after a very short period of time. Let's face the fact. He was under arrest when he went on that tour, or went to Rocky Hill and Coventry. He was locked up in a cell all night. If they keep their guests in cells all night I don't think they'll have many voluntary guests in the future, especially under the housing conditions over there as shown by the evidence.

What did he want, right off the bat, to use a sidewalk expression in Court? He wanted a lawyer. He did say under cross examination that he wanted a certain lawyer, and he named him, the lawyer that the Court appointed finally. I was waiting for Mr. Bill to ask him, because he brought it out himself, Culombe did, in his cross examination, how he happened to use my name. The State could have found that out, and I don't think it would be too startling to find out how they happened to ask for me. I hope I haven't been wasting my time for over thirty-four years so that I am a complete stranger to people that get in trouble with the law.

He asked for a lawyer and he was entitled to a lawyer and he asked for a lawyer and named him, and even if he didn't name the lawyer they were bound to accord to him the right of doing what he could, because he was deprived of the use of a telephone. They went after his wife, Your Honor. They didn't tell his wife. The evidence doesn't show that they did, that "We've got your husband under arrest", and they brought her to the barracks every day; not just Tuesday night.

Lieutenant Rome or Sergeant Paige or anyone offered by the State did not take the witness stand and contradict Mrs. Culombe, who bore out the testimony of Culombe even to a greater extent than he testified about the number

of visits that she made to State Police headquarters. That isn't denied by the State and that's where the evidence stands today, and it's a full day and a half since she left the witness stand.

He asked for a lawyer on Saturday night. He was getting rough treatment. Your Honor will recall Culombe's testimony, on Saturday night he said, "If that's the way you operate up here I want to get in touch with a lawyer." Lieutenant Rome replied, "We'll let you get in touch with one at the right time." Is that respecting their legal rights? Or is it violating their legal rights If it happened it is a violation of their right to counsel. He was in their custody; he was locked in a cell; he was being taken from one room to another; he had no liberty to do anything whatsoever.

He couldn't use a telephone because the man cannot read or write. He couldn't use a telephone directory. They offered him nothing at all. "We'll let you get one at the right time." And they let him get one at the right time, after violating every right known to a citizen of this land - not only the State of Connecticut; of this land.

Oh, they had the thing pretty well in the bag, to use an everyday expression, from their standpoint. Then they brought him into this Court in the sorry state that Lieutenant Rome testified to, and a Judge of this Court, at his request - Lieutenant Rome didn't tell the Court; the State's Attorney didn't tell the Court, "this man has no lawyer. This man wants a lawyer." His Honor, Judge Bordon, inquired of him, "Do you want a lawyer?" That was five days and five nights after being taken into custody and held incommunicado. And if Your Honor will read his wife's testimony, she wasn't allowed to visit with her husband. She wasn't allowed to. And that's her testimony. She testified, and the record will show it, that she did not talk to

her husband in the barracks. She said that one night she saw him, she looked at him, but she did not talk with him.

He was deprived of legal counsel, and the mere fact that Sergeant Paige and Lieutenant Rome or anyone else takes this stand and says, "No, he didn't want a lawyer" - Why, the man almost talks of a lawyer in his sleep. Lawyer; lawyer, lawyer; all the way through, from the beginning right down until His Honor, Judge Bordon, appointed him.

In the New Britain Police Court his rights as a citizen were trampled upon.

Lieutenant Rome almost boasted on the witness stand of using our courts, to use his own words - not our courts - but using the New Britain Police Court - for the purposes of an investigation. Your Honor can check the transcript, and you will find that he used that term. I said to him: "Didn't you use the Prosecutor - didn't you use the New Britain Police Court for the purpose of your investigation?" and he said: "Yes, I guess I did" - and he almost bragged about it.

We have this statute - 195 (d) of the 1955 Supplement that provides for the purpose of assisting in a criminal investigation where an investigating authority believes a felony has been committed that a person can be charged, and the statute goes on to say, specifically protesting the rights of our people, as referred to by Judge Smith in his decision, and as referred to by numerous decisions in the United States Supreme Court, - that statute provides that the person so charged shall be brought promptly before some proper authority. Lieutenant Rome testified that Culombe on Saturday night, under that statute, was placed under arrest, and Sunday came, and Monday morning came, and they had him in the police barracks directly across the street from the Superior Court - directly across from the

entrance to this courtroom, with judges sitting in chambers, with the State s Attorney up here on the second floor, with the Hartford Police Court in session on Monday morning, with the New Britain Police Court in session on Monday morning. Did they arrest him? No, no, they didn't arrest him, they didn't arraign him. Was that a violation of his rights under our constitutional processes? We claim that it was.

Why were his rights violated? Why was he not brought before a proper authority that the statute dictates - the very statute they were proceeding under - the very statute they booked him under - the very statute he was being held under - commanding them to present him before a proper authority? They didn't do it, and those authorities were available.

This court wasn't in session, but judges of this court were available on a Monday in February of 1957. Even so, there was a criminal court in session in Hartford and a criminal session was sitting in New Britain, and with a crime they were investigating they didn't present him before any of those authorities that were available. Why did they deprive him of his constitutional rights so that they could produce State's Exhibit Z and the other exhibit - both marked for identification?

Those are two instances. We are going all the way down through the sixteen. It is taking time, but if they die they are going to be dead a long time. There are two instances. First, they are placed under arrest and demand counsel. I refer to Culombe. As a matter of fact, Lieutenant Rome admitted that on Saturday night Culombe demanded an attorney. He said he didn't name him. What a loophole to crawl through. These men that are performing their duty in the highest traditions of the department - the highest motives - requiring obediance of the law that commands

respect of the statutes? They violated it. That is number two. I would like the State's Attorney to answer those, and the State's Attorney can't answer them.

I want these answerd one by one: Why wasn't he arraigned in New Britain. Look at this Culombe Exhibit 3 for identification - the New Britain Police Department - Arthur Culombe - breach of the peach - this is Tuesday morning, the 26th - Monday morning, the 25th - 12:13 - by the testimony, he was taken to New Britain around nine o'clock in the morning. He was in the Detective Bureau, run through a mob scene, which police officers shouldn't allow. We can be grateful it is 1957. If this was a middle or southwestern community in 1908 and police officers allowed what was done to these men on the 25th, they wouldn't have had a trial. They walked him through a mob. They were not responsible for the mob; they had to get them into the court, but they didn't have to take them to the New Britain Detective Bureau. The record shows that the Detective Bureau is in a different building from police headquarters and where the courtroom is located. They kept them in that bureau being photographed by flashlight photographers, sat there in a room with a mob around them, and they were then brought over to the Identification Bureau and then booked at 12:15 - noontime. They should have been brought into that police headquarters building when they arrived in New Britain at 9:00 o'clock. I don't believe the State's Attorney will dispute me when I say they meet in these courts at 9:00 o'clock. It was Monday morning, and we all know they have Monday morning sessions in any police court in a city of that size. It was their duty to bring them before that police court in New Britain. Instead of that they were run through this mob scene and then brought in and booked at noontime - brought to the Identification Bureau and brought to the Prose-

cutor's office first for pictures. That is how their rights were violated down there.

Then what happened? No counsel. They were not arraigned before the court. Why was that done - they were not arraigned? It was done to induce the signing of those pieces of paper that are offered in evidence. If those two things were done and if they were illegal - or anything that wasn't done that was illegal - such as presenting them before a court when they had the time and the place and the opportunity to use the place, their rights were violated. Neither of those were done. No lawyer - not brought before a court. Those things were done for the allowing of these pieces of paper to be obtained as confessions. Are they sufficient to exclude those pices of paper? I say they are.

The State will say that all that is insignificant, as the State is accustomed to saying when the rights of an accused are violated. We will add something to it. They brought them back to Hartford. They didn't have them arraigned before any court. They didn't have any verbal statement from Culombe. He asked for a lawyer Saturday night. They accused him all day Sunday. He said nothing, so they bothered his wife, and as she said here, they tried to give her the third degree, and you remember what she said - "Don't pull that on me or I'll scream the building down". After a couple of hours they let her go. Is there any reason to disbelieve Mrs. Culombe? If Your Honor disbelieves her, that's out the window. If Your Honor believes her, it is very much in the picture. I say this for one reason. That woman had to be forced into this courtroom, as Your Honor well knows. She has two little children; she is heartsick and broken over this case. A subpoena was served on her which she refused to obey, and a capias had to be served on her. As she testified, the first time she talked to me in this courtroom before she took the stand. The State Police would have you believe she came down here to see her

husband. She said she was dragged down. Why did they do those things? To get these statements.

All right. They brought them back to Hartford. They had quite a session on Tuesday. Why was everything done on Tuesday? There were two objectives in view: State's Exhibit Z and State's Exhibit - the one obtained by Officer Fersch. Tuesday afternoon he was questioned time and time again. No, that was Monday afternoon.

They make light of these things about the Captain's Chair. There is nothing to be made light of there in any case involving the life of a human being. That wasn't dreamed up by Culombe. He testified that Lieutenant Rome, after questioning and not getting any satisfactory statement from him - and again Culombe asking for a lawyer one Monday night, said to the officers - and no officers have been here to deny it - the only thing we have is Lieutenant Rome's denial - "Take him downstairs and put him in the Captain's Chair". That was a creation put in the mind of Culombe by Lieutenant Rome for the purpose of terrifying him. Culombe thought it was some instrument of torture. He was locked up all night, and Tuesday morning he was brought to New Britain.

I don't want to comment on courts, Your Honor, but Your Honor can draw his own conclusions. What happened in New Britain Police Court on Tuesday morning, the 25th of February - the 26th? I can't believe that it happened in a Connecticut court, but we know it did. We know about the rules about cameras in court. The television companies have tried through judges and through the chief justice to get permission for TV performances in court, and we have consistently not allowed cameras of any kind in our court-rooms. That was a three-ring circus over there in New Britain. It was practically admitted by Lieutenant Rome. I am amazed that the court officials were not here to deny

or answer the claim made by Culombe and admitted by Lieutenant Rome, who was using that court for the purpose of his investigation.

They were brought in there on Tuesday and placed in a pen in the courtroom that was being so handled that Taborsky couldn't even hear what was going on. That was his testimony today. Culombe testified he couldn't even see the judge's bench. The judge's bench was across the room from the prisoner's pen. There were crowds of people around him, photographers taking his picture. He did not see the judge come on the bench. The record shows a plea of not guilty entered. There never was any such plea entered. The testimony here is that there was no plea entered. No man has ever had his constitutional rights trampled on as this man has in this case. This was just another method used to obtain these statements by coercion, and I am amazed that such a thing was done.

Imagine being tried - being presented in a court room where you are not even allowed to see the trier on the bench because of a mob that was allowed in the courtroom. Imagine when a clerk doesn't even put him to the plea of guilty or not guilty. Imagine, when a continuance is asked for by a police officer and not counsel for the state or accused, and the continuance is granted. Police courts are just as much courts of law as the Supreme Court of the State of Connecticut. They are merely on a different level. But it is a court. In that police court the record shows the rights of Culombe were trampled on absolutely. Why was that done? He hadn't made any statement, verbal or written. They were starting to work on him and they wanted more time to work on him. The police court tried to show the face of legality, so they continued the case until a further day and issued a mittimus. A mittimus means something in our law. If this court issues a mittimus commiting a man to a place, it means a great deal. I was talking to Judge

Devlin early last evening on the street, and for the sake of illustration, I recalled a case by a remark he made. In a murder case in New Haven in 1945, where the police were adopting the same methods as in this case - using the courts. That's what the State Police did in this case. They didn't even know where he was. I knew he was under arrest but not at headquarters. Judge Devlin was on the bench in the New Haven Police Court, and I called his attention to it and he had him brought over. Judge Devlin committed him on a mittimus and that ended the police investigation. That man is alive today and walking around. The New Britain Police Court didn't do that. The New Haven mittimus was respected. The New Britain mittimus was trampled on by the State Police in working out the means by which the State's Attorney's office offers this statement. A legal process was trampled on by Lieutenant Rome, and I won't say it was willingly assented to by the court authorities, but they went along with it, and are subject to that criticism. When they are given a prisoner to keep, they ought to respect the orders of this court. But they put him out and the State Police got him again and worked him over some more.

Imagine any human being being subjected to that - five days and five nights - no lawyer, and not being allowed to see the judge of the court he appears before - not being allowed to be presented properly before the proper authority - being threatened, kicked and maligned and not breaking down, and as he testified to - saying to Lieutenant Rome, "It's pretty low when they use a man's wife and little children - and a sick child to obtain a statement" - that they offer in evidence as a voluntary statement.

Mrs. Culombe figures strongly in this picture. She was brought to police headquarters, the record will show. We observed her on the witness stand. She said to the State Police, "I'll scream the walls of this building down". We

can believe Culombe's statement that he heard his wife's statement - heard her in the other room. And it is quite probable, to put it conservatively, that Culombe, wishing to spare his wife and children any more than what they had gone through, with the physical treatment he was going through, I don't think he was making up a story to the guard Malley. The guard testified that when he was brought into the jail Tuesday night under the mittimus, that he said he had been worked over and kicked by the State Police. Of course, these situations are hard to handle. These men are despised; no one wants to help them - everyone is against them. The only ones not against them is this court and the officers assigned by this court to defend them. Malley didn't want to testify to what Culombe told him. When I asked him on examination whether Culombe made any statement to him, he first answered no and stuck by it until I asked him, and Your Honor permitted me over objection: "Didn't you tell me certain things that Culombe told you Monday afternoon - didn't you tell me what he said?" and he said, "Yes", and then he told about Culombe telling him about the beating.

Now we can come to Judge O'Sullivan's dissenting opinion, and that should apply in this case: "No matter how evil an individual may be, he is entitled to insist that, if he is to be convicted, the verdict shall be reached upon proper and adequate instructions from the court". And that means proper conduct of the people.

Now, this man was abused, Your Honor. There is no question about that. Culombe couldn't dream up all these things. Is his confession free of the taint of these claims? Why did it take five days and five nights - Saturday afternoon, Saturday night, Monday, Tuesday, Wednesday - every one of them - day and night - why? Many confessions have been excluded for questioning over that period of time and a much shorter period - constant questioning by

the police - constant interrogation. If a man is merely placed under arrest and a charge made and left confined to a cell in the County Jail, and two or three weeks later you call him in and he makes a confession, that does not subject itself to a taint that occurs in this case, because there was constant interrogation while he was in the custody of the police.

I will say in closing, if it please the Court, and I am taking longer than I expected, I think this confession, in the first place, is inadmissible on the statement of the accused. Secondly, if Your Honor considers it was not obtained under physical force, it was obtained by mental coercion, the coercion consisting of constant interrogation day and night and the influence they brought to bear - the improper influence of the use of Mrs. Culombe and the two children when he was being interrogated and the actions of the Connecticut State Police toward him.

I respectfully ask Your Honor to exclude the offered exhibits.

THE COURT: Mr. Burke?

MR. BURKE: Does Your Honor intend to continue beyond five o'clock?

THE COURT: How much time do you think you need?

MR. BURKE: I would think thirty minutes at least.

THE COURT: How much time do you need, Mr. Bill?

MR. BILL: I have to answer both of them. It might take half an hour.

THE COURT: You tell me you have an important engagement Monday, Mr. Burke?

MR. BURKE: Yes, Your Honor, in the District Court in New Haven, at ten-fifteen. I would think we could take this up on Tuesday morning and use an hour or a little more.

THE COURT: An hour for both of you?

MR. BURKE: I don't think I will take much longer than half an hour.

MR. BILL: And I won't.

THE COURT: All right. Escort the accused from the courtroom.

Adjourn court, Sheriff, until Tuesday morning at ten o'clock.

(Adjournment at 4:50 P.M.)

* * * * *

JUNE 18, 1957. 11:40 A.M.

(Accused present)

THE COURT: I will make a finding that the confessions are voluntary and that they were not induced either by threats or fears, or promises, and that there was no coercion used in obtaining them.

I also make a finding that the detention of the accused, which certainly was illegal, in the Court's opinion, in so far as the so-called borrowing from the jail is concerned, had no causal connection with the giving or signing of the statements setforth in Exhibit Z for identification, Exhibit EE for identification and Exhibit DD for identification. You may call the jury, Sheriff.

MR. McDONOUGH: May I have an exception, Your Honor, for Culombe?

THE COURT: Surely.

MR. BURKE: May the records show that we seek an exception to Your Honor's ruling?

* * * * *

MR. BURKE: I assume the State will now proceed to put in the confessions, and in the confession of Culombe there are many references to Taborsky, and as I read the cases I think the law is clear that such evidence is not admissible against Taborsky.

THE COURT: That's right.

MR. BURKE: I am afraid that a mere statement to the jury by the Court to ignore such evidence would have little or no effect, and I would ask that something be done physically to strike out from the Culombe statement those references to Taborsky.

THE COURT: What does the State have to say?

MR. BILL: Just a minute, Your Honor. I haven't studied the situation.

THE COURT: I just finished reading them.

MR. BILL: With that in mind I haven't studied it. If we could have some time to examine it in relation to that situation I might have something to recommend, or not. I don't know.

THE COURT: The Court would indicate its own attitude. If this can be done and counsel can agree to it,

it would meet with the Court's approval and I am not going to talk about the feasibility. You gentlemen are experienced lawyers and you know whether such can be done or not. It would seem to me that it is not a matter that would require too much time to determine whether or not something can be done. If you determine something can be done and it needs a little more time, if you will notify me I will be perfectly willing to extend whatever time is necessary to do it. On the other hand for the moment I will take a short recess in order to allow you to determine whether or not that can be done.

MR. BURKE: Thank you, Your Honor.

THE COURT: The accused may be escorted from the courtroom. And while I take a short recess I will expect you gentlemen to notify me whether or not you feel that something can be done or can't be done, and secondly, whether you need more time to do it.

MR. BURKE: Thank you.

THE COURT: Short recess, Sheriff.

(Recess 11:50 A.M. to 12:20 P.M.)

THE COURT: Bring up the accused, Sheriff.

(The accused present)

(Jury and alternates not present)

THE COURT: Mr. Bill, is there something to be said for the record before I call the jury?

MR. BILL: Well, the recess was taken, Your Honor, for the purpose of Mr. Burke and I getting together with the possibility of eliminating certain matters that Mr.

Burke suggested from the various confessions - that is, from the two Culombe confessions. We did discuss the matter, and then it was thought that Mr. McDonough might have some ideas on behalf of his own client as to the statement itself and any possibility of making any alterations or eliminations. I think that I am correct in quoting Mr. McDonough that he wants the two Culombe statements to stand as they are without any eliminations, and I would take it that with that in mind that there is no sense in any further conferences between Mr. Burke and myself. I believe Mr. McDonough will bear out what I have said. I would suppose with his objection we are going ahead now and complete the State's case.

THE COURT: Correct Mr. McDonough?

MR McDONOUGH: I will agree that Mr. Bill has correctly stated the situation to the Court. I would object to having any parts of Culombe's statements deleted.

THE COURT: Mr. Burke?

MR. BURKE: I wish to, on the record, Your Honor, state that I object to the introduction of these statements to the jury, of Culombe, because they implicate and also name Joseph Taborsky. That, I say, is prejudicial.

That evidence, as Your Honor will agree, is inadmissible against Taborsky, but I say that it will prejudicial to the jury and to our case and to my client to permit them to see it, and I say that it is physically possible to eliminate from the statement the name of Taborsky and to eliminate physically those portions in which Culombe quotes Taborsky. And I say, too, for the record that the mere statement by the Court - and I know that the Court will be fair and more than fair in informing the jury that they should not pay any attention to this or to use it in any way against Taborsky, but I don't think that

that is practical. I don't think that it can be washed from the jury's mind, and I want the record to show that I object to it because it is prejudicial and hearsay testimony against Taborsky.

THE COURT: Very well. Call the jury, sheriff, and the alternates.

MR. BURKE: Your Honor hasn't ruled, has he, on whether or not it is going in?

THE COURT: I ruled that I would. I not only did that, Mr. Burke, but you took your exception and it was noted.

MR. BURKE: Thank you, Your Honor.

(Jury and alternates present)

THE COURT: I wish I could say "good morning" to you, ladies and gentlemen of the jury. Sometimes that isn't possible, but I trust you will understand. You may proceed, Mr. Bill.

MR. BILL: Sergeant Paige.

DONALD PAIGE, having been previously sworn was recalled and testified as follows:

MR. BILL: With the permission of the Court I would like to read the transcript wherein Sergeant Paige testified to the jury, just before the proceedings were closed in front of the jury, and I think that that will bring the jury to date, and also the witness.

THE COURT: No objection to that, I take it.

MR. McDONOUGH: No, Your Honor.

THE COURT: You may proceed, Mr. Bill. How about you?

MR. BURKE: I am sorry, Mr. Bill. I wasn't listening.

THE COURT: I will have it read.

(Statement of Mr. Bill read by reporter)

MR. BURKE: I have no objection.

THE COURT: You may proceed, Mr. Bill.

MR. BILL: The transcript, page 536, reads as follows:

"THE COURT: Sergeant Paige has been sworn. Sit down, Sergeant.

"DIRECT EXAMINATION BY MR. BILL:

"Q. Sergeant, on Wednesday, February 27th, whether or not you investigated this case further? "A. Yes, sir.

"Q. And whether or not you had a conference with Culombe that day? "A. Yes, sir.

"Q. And where was it? "A. In the State Police Headquarters.

"Q. And about what time? "A. At 1:30 P.M.

"Q. And was there anybody else with you other than Culombe? "A. Not at first. After a short while Detective Murphy was with me, and later Lieutenant Rome.

"Q. And what matters did you discuss with Culombe at that time?

"MR. McDONOUGH: This is the 23rd, Mr. Bill?

"MR. BILL: The 27th. Wednesday the 27th.

"A. We were asking his cooperation in regards to locating some guns, and so forth.

"MR. McDONOUGH: May I have that question read, Your Honor?

"THE COURT: Surely. Read the question and the answer, Mr. Burke.

"(Last question and answer read by reporter)

"MR. McDONOUGH: Thank you.

"THE COURT: Go ahead, Mr. Bill.

"Q. Were you investigating all these various matters that we have spoken of here, including the New Britain matter? "A. Yes, sir.

"Q. And did there come a time when he made a statement? "A. Yes, sir.

"MR. BILL: At this point, Your Honor.

"THE COURT: All right."

Then the Court advised the jury that the jury would retire, and I would like now to continue on, Your Honor.

THE COURT: Very well.

Q. Sergeant, as I understand, on this Wednesday afternoon, the 27th of February, you were alone with Culombe when this conference started? A. Yes, sir.

Q. And will you tell the Court what happened, picking up from where you heard me read from the record?

A. Culombe and I sat down and I talked to him about the lying that he had done to us up until this time,

and he agreed that he had lied. I asked him rather than lie to me, when I asked him a question, to say "I don't want to talk about it," and he stated that he would do so. I then took the paper that we had and I read over several incidents to him and asked him if he was there, and to some he would say "I don't want to talk about it," to others he would say "I wasn't there."

I asked him if on December 15th, 1956, at six p.m. I described the New Britain affair where Kurpiewski and Janowski were shot at Stanley Street at Kurp's gas station at that date, about six p.m. and when I finished I asked him if he had been there, and he stated that he didn't want to talk about it.

I called in Detective Murphy shortly after, and Murphy went through the same list with him and accused him of being involved in this New Britain affair, and asked him for his cooperation. About that time I received some information. As a result of this information I asked him if we would find the guns in back of his home, as he had been seen walking around the woods there, and I asked him if we would find the guns in the brook. At first he said that he didn't want to talk about it, in answer to my question and then he said in order to save us some trouble that we would not find them there.

We then requested his assistance in cleaning up this case and he finally admitted that we were looking for four guns, two of which would be under water, that we were looking for two men, and he stated that he himself had not done any killing. He also answered a question that Detective Murphy put to him in regards to any fear that he might have had of Mr. Taborsky, and he said he wasn't in fear of him, that he had been threatened by him.

MR. BURKE: Your Honor, I object to that statement and move that it be stricken as hearsay and the jury ordered to disregard it.

THE COURT: As far as the case of State vs. Taborsky is concerned, the motion is granted. As far as the case of State vs. Culombe is concerned, it is in evidence and I will instruct the jury that what Mr. Burke has now objected to is in the evidence and is to be considered by you, together with all the evidence as you see fit, in connection only with the case of State vs. Culombe, and it is to be entirely eliminated in your consideration of State vs. Joseph Taborsky. You may proceed.

Q. Proceed, will you, Sergeant, please? A. Mr. Culombe finally agreed to show us where he had the guns, and accompanied by Detective Murphy, Lieutenant Rome, Detective O'Brien, we drove over to the Culombe home where he said that we would find a gun. On the way to the Culombe home, which is at 20 Coleman Drive, Arthur was questioned by Lieutenant Rome and he gave him some of the facts in regards to the New Britain killings. When we got to the Culombe home we went into the bathroom and Arthur showed how to take out a medicine chest, and in back of this medicine chest was a brief case which contained a gun and a couple of blackjacks. He also opened up the safe in the bedroom at that time and Lieutenant Rome was able to get out of a small box a couple of grips, and I observed him take a couple of other items that belonged to a gun.

After we left the Culombe home we went to Dexter Street. He directed us to Dexter Street where there are two ponds. In one he stated that we would find the two guns which he had thrown in and which had been used in the New Britain case. In the other he said that we would find a coat, which I believe at that time he said Taborsky had worn, and which he had thrown away because there was blood on it.

MR. BURKE: Objected to on behalf of Taborsky, the same objection.

THE COURT: I will grant your motion. It may be

stricken out as far as the Taborsky case is concerned. The jury will disregard that statement about Joseph Taborsky. It is admitted in State vs. Culombe. Go right ahead.

A. (continued) Detective Murphy was able to pull this coat out of the second pond. It was all wrapped up in a bundle and by standing on something that was in the water he was able to pull it out with a stick, and Culombe's name was on this coat. When we took that in our possession we went back to Culombe's home, and in the cellar, under a large case or box, which was very heavy, that we had lifted up and had rollers there to lift it up with, we found another package which had another gun in it, but this one was all cut up with a grinding machine.

He then directed us to Chandler Street, where there is another brook, and stated that the wallets that were taken on the New Britain job had been thrown in there, along with some other items. We did a little searching there but we couldn't find anything at that time, and from there we went over to Hymie Borden's garage on North Main Street, here in Hartford, where he showed us a 1949 Oldsmobile which he said was the car that had been used at the time that they held up this place in New Britain. After that we came back to the barracks.

Q. Now, what time was that when you returned and reached the barracks? A. I believe that it was after six sometime.

Q. And did anything take place then and there, or did you have dinner, or what happened? A. Culombe was brought in by Lieutenant Rome, into the room where the Commissioner and Commissioner Kelly and Reimer were sitting.

Q. What took place there? A. I believed he repeated some of the story in front of the Major and the

Commissioner, but I left the room before the entire thing was completed.

Q. And then again did you join up with Culombe or have a conference with him later? A. Later that evening.

Q. And when was that? A. We started to talk formally around eight o'clock or a little before that.

Q. At Police Headquarters? A. Yes, sir.

Q. Who was present? A. Lieutenant Rome, Detective O'Brien, County Detective Matus and myself.

Q. And what took place at that time? A. He gave us a statement in which he described the holdup and killings at New Britain.

Q. Did you witness this statement? A. Yes, sir, I did.

Q. Showing you State's Exhibit Z-1 for identification, do you recognize that? A. Yes, sir.

Q. Now, as what? A. This is the statement that Arthur Culombe gave us that evening at State Police Headquarters.

Q. Did he sign it? A. Yes, he did.

Q. In your presence? A. Yes, sir.

Q. Did you witness it? A. Yes, sir, I did.

Q. Who else witnessed it? A. Samuel Rome, Vincent J. O'Brien and Edward Matus.

Q. And in this statement was there some other incident other than the New Britain affair? A. Yes, sir.

Q. Now, we are not concerned with that matter, but I again show you State's Exhibit Z-1 and ask you to

look at the part about the New Britain incident and read that over.

THE COURT: To yourself.

Q. To yourself. A. Yes, sir.

Q. Now, was that statement - that is in its entirety read to Culombe? A. Yes.

Q. Before he signed it? A. Yes, it was.

Q. That part you just read yourself was about the New Britain incident? A. Yes.

Q. And is that a true transcript as you remember of what was read there and he signed? A. Yes, sir, that was read to him.

Q. Now, I ask you to look at State's Exhibit Z for identification, and will you look over that and I would like to question you later after you have read it to yourself. Have you read it? A. Yes, sir.

Q. Do you find that that State's Exhibit Z you just last read corresponds with the New Britain narration of the New Britain incident in State's Exhibit Z-1? A. Yes, sir, it does.

Q. And is that State's Exhibit Z for identification as you heard Culombe tell the story and was signed by him? A. Yes, sir, that is right, the body of it.

Q. What was the distinction between State's Exhibit Z which you just last read and the first one, Z-1 - could I suggest, is it the elements of the other incident? A. Yes, sir, and added in this here is the fact that he was born in Fall River, and so forth - little personal histories in this one that aren't in that.

Q. But the main feature of the statement, is it not, that the incident that took place in New Britain in Z-1 is eliminated from Z? A. That is right.

MR. BILL: Your witness.

MR. McDONOUGH: No questions.

THE COURT: Do you have any questions, Mr. Burke?

MR. BURKE: No.

(Witness excused.)

ROBERT MURPHY, previously sworn, recalled as a witness for the State.

DIRECT EXAMINATION BY MR. LABELLE:

Q. Sergeant, you are a member of the State Police Department? A. Yes, sir.

Q. How long have you been a member of that Department? A. Seventeen years.

Q. You are a Detective, are you, rather than a Sergeant, is that right? A. Yes, sir.

Q. In your capacity as a State Police Officer did you participate in the investigation concerning the shooting at Kurp's gas station in New Britain? A. Yes.

Q. Which occurred on December 15 last year? A. Yes, sir.

Q. When did you make your investigation with reference to that? A. Monday afternoon, February 27, 2:45 P.M.

Q. Where did you start that investigation? A. On the third floor of the State Police quarters here in Hartford.

Q. Is that the first time you had anything to do with this New Britain affair? A. That is correct.

Q. Do you recall what room you were in where the investigation you participated in commenced? A. Yes, sir.

Q. In what room was it? A. A room known as the interrogation room.

Q. Who was present in that room? A. At that time Arthur Culombe, Detective Sergeant Paige and I.

Q. When you went into the interrogation room what was the first thing you did in conducting the investigation?

A. My first conversation was with Arthur Culombe. We were going over a list of incidents and included on this sheet of paper, or this list, was the holdup of Kurp's gas station in New Britain. In going over that list he would give me one of two answers. He would say he did not want to talk about it when certain incidents were read, and on other cases he would say, "I know nothing about it." This was in line with the questioning that was taking place between he and Sergeant Paige in my presence when I first entered the room.

Q. Now, were you alone with Culombe at anytime?
A. I was.

Q. Would that be just you and Culombe in the room?
A. Yes, that is correct.

Q. Did something occur while you and Culombe were alone together in this room? A. Yes.

Q. Tell the Court and jury what happened at that time? A. I asked Arthur why he did not cooperate, and he told me it was a hard decision to make. I then started to talk with him about weapons, guns, and I questioned him as to guns. I asked him if we were to find the guns how many we would find, and he said four. I then asked him if we were to find the guns would we find them on land or in water and he said in water. I then asked him if we would find the guns together, and he said no, they would be in different locations. I then asked him if it would be necessary to grapple for the guns and he said no, the water wasn't that deep.

Q. Did that complete your discussion concerning weapons? A. Yes, sir, as far as I remember.

Q. Was Sergeant Paige in the room at that time or had he come back into the room? A. Yes, sir, I believe Sergeant Paige came into the room while we were discussing guns.

Q. What was the next conversation that took place in the room with Culombe? A. I asked him how he would like to have us find the guns and he said he would like us to find them by accident. He didn't want it to be known he had pointed out the location of the guns to us.

THE COURT: I think we will stop here, Mr. LaBelle. You may escort the accused from the room.

Ladies and gentlemen, I am going to allow you to go to lunch now and I have to give you the usual instructions. You will not talk with anyone about this case or allow anyone to talk to you about it. If you are looking at the papers you will not read anything about this case, or if anything is on the radio or television, you will ignore it, and when you come back at two o'clock you will report to your jury rooms and the alternates will report to theirs. You may now retire.

Recess, Sheriff, until two o'clock.

(Recess at 12:53 P.M.)

JUNE 18th, 1957 - 2:00 P.M.

THE COURT: Bring up the accused, Sheriff.

(Accused present)

THE COURT: May I have the jury, please, Sheriff, and the alternates.

(Jury and alternates present)

THE COURT: Are you going forward with Detective Murphy, Mr. LaBelle?

MR. LABELLE: I may, Your Honor.

THE COURT: You may proceed whenever you are ready, Mr. LaBelle.

ROBERT MURPHY, on the witness stand.

DIRECT EXAMINATION BY MR. LABELLE: (RESUMED)

MR. LABELLE: May I have the last question, Your Honor?

THE COURT: Surely. Read it, Mr. Burke.

(Last portion of answer read by reporter)

Q. Was there conversation about going to where the guns were located? A. That is correct there was.

Q. Was there any other conversation in this room before you left to go where they were located?
A. Yes, there was.

Q. What was that conversation? A. Just prior to our leaving, he stated that he didn't want it to be known how we had come to find out the location of the guns. He further stated that he was in fear of Taborsky-

MR. BURKE: Your Honor please, may that be stricken and the jury admonished that it has no connection whatsoever and should not be regarded in the Taborsky case.

THE COURT: The motion may be granted. The jury will disregard entirely the last statement in so far as it applies to the Taborsky case. It is limited strictly to the Culombe case. Go right ahead, Detective. Had you finished?

THE WITNESS: Yes, sir, at present.

THE COURT: Go ahead, Mr. LaBelle.

Q. What happened after this conversation? A. We then had a discussion relative to the car that would be used in driving to the location of the guns.

Q. Tell us that conversation? A. Arthur did not want to travel in a marked police car. We assured him that the car that we would ride in would not be conspicuous, there would be no plates or writing on it. I believe it was directly after he was assured of this that Lieutenant Rome, Detective Sergeant Paige, Detective O'Brien, Arthur Culombe and I left State Police Headquarters.

Q. Did you all go in one vehicle? A. Yes, sir, we did.

Q. Who operated the vehicle when you left State Police Headquarters? A. Detective O'Brien.

Q. And where were you riding? A. I was riding in the front seat alongside of Detective O'Brien.

Q. Where were the rest of the parties in the car sitting? A. If I recall correctly Lieutenant Rome and Arthur Culombe were in the back seat, and I believe Sergeant Paige, Detective O'Brien and I were in the front seat.

Q. And that is when you left to go to where the guns were located? A. That is correct. That is when we left police headquarters.

Q. Where were you going to go? A. We were enroute to the home of Arthur Culombe.

Q. Did you continue in the same positions while you were in that car until you got to Culombe's home?
A. No, sir, we did not.

Q. Tell the Court and jury what happened?
A. After driving a distance of about three or four

city blocks I changed places with Detective O'Brien. That is, I got behind the wheel and Detective O'Brien took my position in the front seat.

Q. And was there some conversation in this motor vehicle in so far as Culombe was concerned? A. Yes, there was.

Q. Can you recall any of that conversation?

A. There was conversation between he and Lieutenant Rome - that is, between Arthur Culombe and Lieutenant Rome relative to the hold up of Kurp's gas station in New Britain, and other incidents

Q. Can you recall any specific conversation in so far as Culombe was concerned about Kurp's gas station, that occurred in that motor vehicle? A. Yes, sir, I recall some portions of it.

Q. Was a record made of that conversation, if you know? A. Yes, sir, I believe that there was.

Q. And who made that record? A. Detective O'Brien.

Q. Can you tell us the conversation so far as you can recall it, what happened, what occurred in the motor vehicle relative to Kurp's gas station? A. Arthur stated that on the evening of January 15th, or the evening of the severe ice storm, that he -

MR. BURKE: I object to this, Your Honor. I don't think that it is necessary that the witness implicate Taborsky.

THE COURT: I didn't hear him.

MR. BURKE: He said "and".

THE COURT: I didn't hear the a-n-d. Will you read it?

(Last answer read by reporter)

MR. BURKE: I stand corrected. I would hear you if he had said it, but I haven't heard anything yet. Continue with your conversation, Detective.

THE WITNESS: The next word will be "and", Your Honor.

THE COURT: Well, you heard it before it was said. Your desire is that any reference to Taborsky, or to anyone else, should not be said, is that correct?

MR. BURKE: Yes, Your Honor.

MR. McDONOUGH: May it please the Court - go ahead, Mr. Burke - I believe as long as this is being admitted against Culombe I want his entire statement in the record.

MR. BURKE: I say, Your Honor that it is prejudicial and it is also, as Your Honor has ruled before, this testimony regarding Taborsky is hearsay and not admissible against him.

THE COURT: That is right, and I shall so instruct the jury.

MR. BURKE: I say that it is prejudicial and in those cases where it is not necessary to name names, that the witness need not, because I believe that the admonition of the Court, as I stated before, isn't too effective.

THE COURT: You say that very respectfully, I know.

MR. BURKE: Very respectfully yes, Your Honor.

THE COURT: It is in accordance with our procedure. I'll have to let him testify and I will take whatever - I'll hear you on whatever claims that you want to make.

MR. BURKE: I object to it, and may I have an exception to Your Honor's ruling?

THE COURT: Oh, you certainly may although I don't know exactly how I have ruled yet, except that he may continue with the conversation.

MR. BURKE: What I am objecting to is the continuance of the conversation, the implication of my client before the jury when the evidence is inadmissible and hearsay. Now, where it is possible it might be cut out of the statement or it might be deleted in one way or another, but certainly in the oral telling of it the witness can just fail to name names.

THE COURT: I think that your position is clear, Mr. Burke. I will allow the testimony.

Q. Will you give us that conversation?

THE COURT: Go ahead.

A. He and Joseph Taborsky were in New Britain -

MR. BURKE: Excuse me, Your Honor, would you make the admonition to the jury at this time regarding this conversation?

THE COURT: Yes, I will tell you again, I may be telling you more than you need to be told, but in order that you may thoroughly understand it, any reference in this testimony of any statements made by Culombe are admissible against Culombe and you will have to dismiss them from your minds entirely in considering the case of State vs. Joseph Taborsky. I am giving you this admonition simply to remind you of the fact that the law does not allow you to consider it in reference to the case against Taborsky. I will also instruct you at some length, perhaps, in the charge, but I am doing this because Mr. Burke has requested it and he is entitled to request it. You may continue, Detective.

A. They were in an automobile together in New Britain, Culombe was driving the car, and they drove past Kurp's gas station. Taborsky told Culombe -

MR. BURKE: I am going to object again, Your Honor. In order to forestall the constant objection and the same ruling, may I have a general objection to these references to Taborsky, and an exception to the ruling?

THE COURT: Well, I will permit it. I do think that it is kind of frowned upon, a general objection, but I think that your position is clear and I think that the Court's position is clear. I can't say it too often, but it is clear that any statements made by Culombe are admissible against him, speaking generally, but they are not in any event admissible or evidence in any way in the companion case of State vs. Taborsky which is now being tried.

MR. BURKE: What I would like the record to show, Your Honor, is that I do object to the witness making these statements because of their prejudicial nature. I don't wish to be jumping up every two minutes and objecting and making a nuisance of myself, but I do want my objection in the record, and if I could obtain a general objection and have the ruling and the exception I would not bother the Court so much.

THE COURT: You have made your objection, the record will show what your position is and I think that the record will show what the Court's position is.

MR. BURKE: Thank you, Your Honor.

THE COURT: Now, do you want the question read and the answer as far as you went?

THE WITNESS: The answer as far as I went, Your Honor.

THE COURT: Will you read the answer as far as he went?

(Last answer read by reporter)

A. (continued) In a car being driven by Arthur

Culombe. A gas station was pointed out to Culombe by Taborsky and he was told to drive into it. They drove into the station and one of the two men entered the station, I believe the man was Taborsky. Culombe remained with the car to buy some gasoline. Arthur then said that Taborsky called the attendant into the station, and while he was outside he heard a gunshot. Shortly thereafter a customer drove into the station and there was a short conversation between Taborsky and Culombe and following this conversation Culombe took the customer into the gas station and shortly after he heard another shot. I believe that is all that I can recall relative to Kurp's gas station.

Q. Now, in your answer, Detective, you gave January 15th. Is that the correct date? A. No, sir, it isn't.

Q. What is the correct date that you are speaking of? A. December 15th.

Q. Now, was there a conversation in the venicle as to the location of these weapons? A. Yes, sir, there was.

Q. Can you give the Court and jury that conversation? A. Arthur stated that in his bathroom, behind or below the medicine chest, there was a leather bag that contained a weapon.

Q. Is that the only conversation concerning weapons, as to their location, that you heard in the car? A. That is correct.

Q. Now, did you go to Culombe's house at 20 Coleman Drive? A. Yes, we did.

Q. And when you got to 20 Coleman Drive what happened? A. We entered the apartment of Arthur Culombe, that is, Lieutenant Rome, Sergeant Paige, Detective O'Brien, two photographers and myself, and after going into the apartment I sat in the livingroom with Arthur, his young daughter and his wife.

Q. You said two photographers. What kind of photographers? Police photographer? A. Department photographers. State Police Department photographers.

Q. They were state police officers? A. That's correct, yes, sir.

Q. You said that you were in the livingroom with Mrs. Culombe and Arthur Culombe and their little girl? A. That is correct.

Q. And where were Lieutenant Rome and Culombe and the other officers at that time? Were they in the apartment? A. They were. They went into a room that was off of a hallway, which would be a very few steps from the livingroom.

Q. You did not go into that room? A. No, sir, I did not.

Q. Now, when you were in the livingroom was there any conversation that occurred in so far as Culombe was concerned, either with you or with his wife or with his daughter? A. Yes, sir, there was.

Q. Will you tell the Court and jury the conversation that occurred in the livingroom that you heard in so far as Culombe is concerned? A. Culombe told his wife that he had decided to cleanse his conscience and make a clean breast of things, and he had told us the true story. He also said that he might get life but that Taborsky would get the chair. He also told her that he was - he didn't want to cause her any further embarrassment, and that also was a reason for his cooperating with us, and there was also a conversation between he and his wife relative to the television set not working properly.

Q. Now, who else was in the room at that time? Were there any other persons in the livingroom where you were at the time that this conversation occurred?

Q. There may have been, but I can't recall seeing anyone other than Arthur and his wife and his small daughter.

Q. Now, did you remain in the livingroom with Mrs. Culombe and Culombe and the child until you left the apartment? A. That is correct. I did.

Q. And did you participate in any of the work in the apartment pertaining to weapons? A. No, sir, I did not.

Q. You were in the presence of Culombe at all times in the apartment? A. Yes, sir, I was.

Q. Was there any further conversation that you can recall between Culombe and his wife? A. Yes, there was another short conversation between he and his wife when he told his wife that he was afraid for her, he was afraid that Taborsky might attempt to do her harm, and that also was one of the reasons for his cooperating with the police.

Q. Is that all of the conversation so far as Culombe and his wife are concerned? A. As far as I can recall, yes, sir.

Q. Now, did you subsequently leave the apartment? A. Yes, sir, we did.

Q. And who went with you when you left the apartment? A. The same group, Lieutenant Rome, Sergeant Paige, Detective O'Brien, the two state police photographers, Arthur Culombe and I.

Q. Where did you go? A. We were directed by Arthur Culombe to a swampy area at the corner of Newfield Avenue and Dexter Street.

Q. And did you go there? A. Yes, sir, we did.

Q. When you got to that location what occurred?

A. Arthur pointed out a spot to us in this swampy area and stated we would find two guns that he had disposed of in this marsh, that these guns were used in the New Britain affair.

Q. And he made this identification of the location in front of the entire party? A. That is correct.

Q. Was anything done at that time in an attempt to find the weapons? A. No, there was not.

Q. Did anything else occur at this location? A. No, not that I recall.

Q. Where did you go from Dexter Street and Newfield Avenue? A. We were then directed to a dump that had been flooded at the corner of Dexter and Reed Streets.

Q. What occurred at that location? A. At the dump he pointed out an object that was floating in the water and stated that that was a raincoat that had been disposed of by him and that had been worn during the holdup of Kurp's gas station and that it was splattered with blood.

Q. Did he point out the location where that coat might be? A. Yes, sir, he pointed directly to the coat.

Q. And what did you do when he did that? A. I took possession of it by use of a long pole from the edge of the bank.

Q. You got the coat out of the water? A. Yes, sir, I did.

MR. LABELLE: Doctor Stolman, do you have a coat?

Q. I show you that, Detective, and ask you if you can identify that? A. Yes, sir, I can.

Q. What is it? A. This is a coat that was pointed out to me by Arthur Culombe in the dump at the corner of Reed Avenue and Dexter Street.

Q. Is that the coat you got out of the water by, as you said, using a stick? A. That's correct.

Q. How do you identify that coat now? A. Underneath the collar appears the name of "A. Culombe", along with the serial number 16594.

Q. Is that the coat and the identification that was on the coat that you got out of this dump? A. That is correct.

Q. What did you do with that coat after you got it from the dump? A. I placed it in the trunk of the State Police car I was driving and later on that afternoon I placed it in the evidence locker at the Special Services room in State Police Headquarters.

Q. Over in the State Police barracks here on Washington Street? A. That is correct.

Q. Were you present when the coat was taken from the evidence locker at the Police barracks? A. Yes, sir.

Q. What happened to the coat when it was taken from the evidence locker? A. Lieutenant Rome delivered it to Officer Kingston to be taken to the State Laboratory.

Q. Were you present when it was turned over to Officer Kingston? A. Yes.

Q. And Lieutenant Rome was there also? A. Yes.

Q. Do you know whether or not Officer Kingston took the coat to the State Laboratory? A. Yes, sir.

Q. Did you go with him? A. No, sir.

Q. But you were present when it was delivered over to him? A. That is correct.

Q. Did anything else happen at the location down there on Reed and Newfield Street? A. Not that I recall, no, sir.

Q. Where did you go after you left that area?
A. We went back to the cellar of Arthur Culombe's home.

Q. That is, the entire party returned to Arthur Culombe's home? A. That is correct, yes.

Q. Did you go up into the upper apartment? A. No, sir, we went down in the cellar.

Q. What happened in the cellar? A. In the cellar he pointed out a large cabinet and told us that underneath the cabinet we would find a weapon.

Q. Was the weapon located under the cabinet?
A. Yes, sir.

Q. Tell the Court and Jury what happened in getting that weapon? A. There was a gun that had been ground on a grinding wheel, mutilated to a great extent, and it was wrapped in a paper bag.

Q. Was that taken into your possession or by one of the Officers? A. Yes, sir, it was - I believe it was taken by Sergeant Paige.

Q. Did anything else happen at Coleman Drive when you went back for this second visit? A. No, sir.

Q. Where did you go after you left Coleman Drive at this time? A. Arthur then directed us to Chandler Street to a culvert that runs beneath the street and pointed out a spot to us and said that in this area he had thrown or disposed of two wallets that were taken from victims at the New Britain gas station along with some keys, I believe.

Q. Did the Officers or you make a search of the area at that time? A. We did, we searched just a short period of time.

Q. Were you able to locate any of the articles you mentioned? A. No, sir, we did not.

Q. Where did you go when you left the culvert?
A. We then went to Borden's Garage on Main Street in Hartford.

Q. What happened at Borden's Garage? A. Parked in the rear of the garage was a car, and Arthur pointed this car out to us as being a car he owned and that he had driven the night of the New Britain gas station holdup.

Q. Do you recall what kind of a car it was? A. It was a black car. I now know it was a 1949 Oldsmobile.

Q. And that car he pointed out to you - it was in Borden's Garage? A. That's right.

Q. Did anything else occur at this Borden's Garage?
A. Not that I recall.

Q. Then where did you go from Borden's? A. We then returned to the State Police Headquarters where we went to the office of Major Reimer.

Q. What time did you return to State Police barracks, if you recollect? A. Just about six P.M.

Q. When you returned to State Police Headquarters what did you do as far as Culombe was concerned?
A. At the Major's office there was a short discussion between Commissioner Kelly and Major Reimer and Lieutenant Rome and Arthur Culombe.

Q. Was that a discussion that had to do with what had just happened on this trip? A. That is correct. Arthur, if I recall correctly, said that he was cooperating and intended to cooperate.

Q. Where did you go from the Commissioner's office?
A. We then went into the dining hall where we had our supper.

Q. Were you present with Culombe at that time?
A. Yes, sir, I was.

Q. Did you stay with him during the time you were at the dining hall? A. Yes, sir, I did.

Q. Where did you go when you left the dining hall? A. We went to the third floor office, if I recall correctly, to the Special Services' office on the third floor.

Q. Did you continue to stay with Culombe at that location in the building? A. No, sir, I did not.

Q. Did you participate any further in this investigation that followed? A. No, sir, I did not.

Q. Detective, in your testimony some time back you said that Culombe told you that he took the customer into the gas station that had driven into Kurp's station while he was there. I want to ask you if that is correct - I think you said Culombe said he took the customer inside the station. Is that what he told you? A. If I recall correctly, he did tell me that. However, there was, as I think back - there was a mixup in my mind as to who took who into the station, but I can recall him mentioning a two dollar bill to pay for the gasoline, and he stepped out with the car in order to have it serviced and made some attempt to service the customer's car.

Q. Do you recall what he said as to which one took the customer into the station? A. To the best of my recollection I believe he said he took the customer into the station.

MR. LABELLE: All right, - you may inquire.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Detective, Culombe was very cooperative with the police Wednesday afternoon and Wednesday night so far as you know? A. Yes, sir.

Q. And when you were talking to him in the interrogation room before you went out on the trip you describe,

what did you say to Culombe? A. I asked Arthur why he didn't want to cooperate.

Q. Tell us the conversation. A. His response was that it was a big decision or a hard decision to make.

Q. Go ahead — what further did he say, if anything? A. Sometime later he mentioned being in fear of Taborsky.

MR BURKE: If Your Honor please, I am going to object to this. In the first place, this is self-serving to Culombe; in the second place it is a deliberate attempt to prejudice the jury against Taborsky, and even though Your Honor admonishes the jury, I don't think it is proper that it should be gone into at this time before the jury.

Now, I objected to this when hearing was before the Court, and I think it is inadmissible because I think it is prejudicial, and I think there is no other purpose to be served here except that of showing that Culombe was in fear or something of Taborsky.

THE COURT: As far as you are concerned, Mr. Burke, I will sustain your objection insofar as State versus Taborsky is concerned, and I will admonish the jury again that it has no bearing on the case of State against Taborsky and they are to disregard it entirely, but the question is being asked by Mr. McDonough and there is no objection by the State and I have nothing to base any ruling on. You may have an exception.

MR. BURKE: I would like to add this, I made a motion to separate in this case, and such statements as this are self-serving to Culombe and serve only to prejudice the interest of Taborsky.

THE COURT: The record will show your objection, Mr. Burke. Will you read the question, Mr. MacGlashan, and the answer as far as it went?

(The reporter read the question and answer.)

THE COURT: Go ahead.

THE WITNESS: He did say that Taborsky had threatened him after the New Britain job, as he termed it.

Q. What did he say Taborsky said? A. Taborsky said that he would kill him.

MR. BURKE: I object here again, Your Honor. What did Taborsky say? I don't know how this is at all proper at this time.

THE COURT: I will only rule as I have been ruling. I have sustained your objection insofar as Taborsky is concerned and I admonished the jury to disregard it - it has no part in your case whatsoever. Further than that under the present circumstances I have no other ruling to make.

MR. BURKE: May I have an exception?

THE COURT: Oh, surely.

Q. Will you go ahead, please? A. Arthur said that Taborsky has told him he would kill him if ever —

THE COURT: Sheriff, you will have to tell them to stop. Let me ask the jury, - did you all hear the answer? One of the gentlemen didn't.

MR. McDONOUGH: May the question and answer be read?

THE COURT: Yes, Mr. MacGlashan, and you speak up so that they can all hear you.

(The reporter read the last question and answer.)

THE COURT: Did you finish?

THE WITNESS: No, sir. —if he were to cooperate with the police.

Q. Now, referring to Culombe's conversation with his wife, what did he say about Taborsky? A. Culombe told his wife —

MR. BURKE: May the record show another objection on the same ground?

THE COURT: And the same ruling.

MR. BURKE: Exception.

THE COURT: Surely.

THE WITNESS: Culombe told his wife that he was afraid for her for fear Taborsky might do harm to her.

Q. Well, from that point on Culombe cooperated with the police and did everything he could to help in the investigation, so far as you know? A. Yes, sir.

MR. McDONOUGH: That is all.

THE COURT: Mr. Burke?

MR. BURKE: I don't know that I have a right to examine in the light of your ruling, Your Honor, in that nothing that this man said has anything to do with the case.

THE COURT: That is right, but do you think there is any need to examine? All the evidence was ordered to be stricken from your case and I have instructed the jury to disregard it and do so again.

MR. BURKE: There hasn't been any evidence, Your Honor, introduced in my case.

THE COURT: I agree.

MR. BURKE: My objection is clear to the Court that it has been prejudicial here in the eyes and the ears of the jury as to my case.

THE COURT: Yes, I understand.

MR. LABELLE: May the raincoat be marked, Your Honor?

THE COURT: What about that tag?

MR. LABELLE: I will ask about the tag.

Q. Detective, what is this tag attached to this exhibit?
A. We call that an evidence tag describing where it was found, the date, and so forth.

Q. Did you have anything to do with making out this tag? A. Yes, sir, I was present when it was made out.

Q. Do you know who made it out? A. Lieutenant Rome made out that tag.

Q. And was it attached to this exhibit - when?
A. On the 27th - on the evening of the 27th, the day it was found.

Q. Is that the evening of the day you returned to the barracks? A. That is correct.

Q. And that was the same day it was put in the evidence box? A. That is correct.

THE COURT: It may stay on.

Mark it for identification's FF.

(State's Exhibit FF for identification: Raincoat.)

REDIRECT EXAMINATION BY MR. LABELLE:

Q. Did you have any conversation with Arthur Culombe when you found this raincoat as to who was wearing it and when?

THE COURT: Yes or no would be the answer.
A. Yes, sir.

Q. Would you give us that conversation?
A. Arthur said that Joseph Taborsky had worn this coat on the evening of the holdup of Kurp's gas station.

MR. BURKE: May I object to that, Your Honor?

THE COURT: Sure, the same ruling. The jury will disregard it so far as Taborsky is concerned. Anything further, Mr. McDonough?

MR. McDONOUGH: No, Your Honor.

(Witness excused.)

VINCENT J. O'BRIEN, previously sworn, recalled as a witness for the State.

DIRECT EXAMINATION BY MR. BILL:

Q. You are a member of the State Police Department? A. Yes, sir.

Q. How long have you been a member? A. Ten years.

Q. What rank have you? A. Detective.

Q. Are you skilled in stenography and typewriting? A. Yes, sir.

Q. Have you studied a course and done work along those lines for several years? A. Yes, sir.

Q. And you are trained in it? A. Yes, sir.

Q. Now, on Wednesday, late afternoon, February 27, did you take part in this investigation concerning Arthur Culombe at State Police Headquarters? A. Yes, sir.

Q. And when did you enter the case on that particular day? A. At about three-thirty in the afternoon.

Q. And where? A. At Special Services Division, State Police Headquarters.

Q. Who was present in the room when you entered? A. Lieutenant Rome, Sergeant Paige, Detective Murphy and Arthur Culombe.

Q. How long did you stay there? A. Just a matter of a few minutes.

Q. Had you learned there had been a discussion prior to your getting there with these Officers and Culombe? A. Yes, sir.

Q. After you entered the room was there any further discussion between the officers and Culombe? A. I believe there was just a short conversation concerning the location of some guns.

Q. And do you remember what that was? A. Culombe said that he would show the officers the location of the guns.

Q. Now, upon the completion of that statement did you go somewhere? A. Yes, sir, we all left state police headquarters.

Q. All those present? A. All those present.

Q. And where did you go? A. We went downstairs and we all went to the car to drive to the home of Arthur Culombe at 20 Coleman Drive.

Q. And as you left State Police Headquarters, which is across the street here on Washington Street, who was driving the car? A. I was.

Q. And how far did you drive the car? A. Just about four or five blocks.

Q. And what happened then that you didn't continue to drive? A. Lieutenant Rome instructed Detective Murphy and I to change places, and for Detective Murphy to drive.

Q. Just prior to your giving up the wheel had you heard any conversation in the car, particularly between Culombe and somebody else? A. Lieutenant Rome and

Culombe were in the back seat and they were talking. They had been talking from the time we left headquarters.

Q. Had you heard any of that conversation?
A. Yes.

Q. Can you tell us substantially what it pertained to, if you can remember what was said? A. No, sir, I don't recall just what it pertained to.

Q. But at any rate, after you heard the request from Lieutenant Rome you did change your position and left the wheel, and where did you go? A. I sat in the front seat on the right side, and Sergeant Paige sat on my left, and Detective Murphy took over the wheel.

Q. And in the rear seat, who was there? A. Lieutenant Rome and Arthur Culombe.

Q. Now, when you got into the righthand side of the car, the passenger's side, what did you do, if anything?
A. I took out a pencil and notebook and made a shorthand record of the conversation between Lieutenant Rome and Arthur Culombe.

Q. Now, are you capable now of giving us substantially what was said there, without refreshing your recollection from your notes? A. Yes, sir.

Q. And would you do that, please? A. Culombe said that he and Taborsky had driven to New Britain -

MR. BURKE: May I object again on this witness, Your Honor, and have the record show the continuing objection?

THE COURT: Surely.

MR. BURKE: With reference to Taborsky.

THE COURT: Same ruling. The jury is instructed not to pay any attention to this evidence in so far as the case of Taborsky is concerned.

MR. BURKE: Exception?

THE COURT: Surely. Go right ahead.

A. (continuing) that the streets were icy and some trees were down. They passed a gas station and Joe instructed him to go in, and he drove in and stopped at the gas pump, and when the attendant came out he instructed the attendant to fill the tank. It only took about five or seven gallons to fill it. While the attendant was doing that Taborsky asked if there was a men's room and he was told there was. He went inside the station. After the gas tank was filled Culombe paid the attendant with a two dollar bill. When the attendant went into the station Taborsky pushed him into a room which he thought was an engine room or a boiler room and he heard a shot. Taborsky came back out into the office of the gas station and about that time a customer drove into the gas station and stopped at the pumps. As Culombe was about to service this car Taborsky emerged from the station and said to the customer "Hey, your buddy wants to see you inside." He put a gun on him and ordered him into the station and into the men's room. Culombe heard two shots. Shortly after Taborsky came out and they left. He was asked by Lieutenant Rome how much money they realized, and he said that it was about $133.00.

Q. Now, is that the end of the statement as you remember it? A. Yes, sir.

Q. You were in the car and continuing on the way to Culombe's house at Coleman Drive, is that right?
A. Yes, sir.

Q. And did anything happen between the termination of that statement, of which you took notes, and the time that you got there at the house? Do you remember anything? A. No, sir.

Q. And ultimately you got down to the house of Culombe? And what happened there? A. Lieutenant

Rome, Sergeant Paige, Detective Murphy and Arthur Culombe went into the house immediately and I remained outside for just a minute or two until Lieutenant Tierney and Robert Glenn, of the Photographic Division arrived, and I entered the house with them.

Q. When you went in there who did you find inside? The officers that you just named? A. When I entered the house, in the livingroom were Mrs. Culombe and a young daughter about five years old, Sergeant Paige and Detective Murphy.

Q. And did you go somewhere in the house? A. I went through the livingroom and through a hallway and to a bathroom which led off that hallway.

Q. And what happened there, if anything?

A. Lieutenant Rome was removing a medicine chest from the wall and I remained there until he had removed it, and back of the medicine chest between the walls he found a brown leather brief case. He removed that and inside he found a gun and two blackjacks. I have here a record of the finding of the gun and the blackjacks.

Q. Was Culombe there at that time or was he out in the livingroom? A. He was in the livingroom.

Q. Where did he go from there? A. Shortly thereafter we went into Culombe's bedroom and Culombe opened the safe and Lieutenant Rome found a metal box with some parts of a gun, which he took into his possession and I took a rubber raincoat from the closet which Culombe identified as having been worn by him on an occasion..

Q. What else? Anything further done in the house?

A. I believe that that was all at that time.

Q. Now, did you go from the house to some other place? A. Yes, sir.

Q. Under whose instructions? A. Under instructions of Arthur Culombe.

Q. And where did you go? A. We drove from Coleman Drive to Newfield Avenue and to the intersection of Dexter Avenue, in Hartford.

Q. When you say "we", were those the officers that you described coming down on the trip with Culombe?
A. Yes, sir, the same five, Lieutenant Rome, Sergeant Paige, Detective Murphy, Arthur Culombe and I in one car, and Lieutenant Tierney and Robert Glenn followed in another car.

Q. Where did you go from the house? A. We drove to the intersection of Newfield Avenue and Dexter Avenue.

Q. And in going there was there any conversation with Culombe with respect to the trip to that point?
A. Well, he said at that time that he would show us where some guns were.

Q. And when you arrived there what happened?
A. He pointed out a swamp or pond, a shallow pond, a swampy area at the intersection of Newfield Avenue and Dexter Avenue, and told us about where in that pond we would find two guns, and he said that the parts of the gun that Lieutenant Rome had found in the metal box would fit one of those guns. He then directed us to drive down Dexter Avenue to Reed Avenue, to another swampy area and he told us we would find a raincoat in this swamp with the number 16594 on the collar. We drove to this pond and we were able - Detective Murphy was able to fish this coat out of the water, and Culombe identified it.

Q. As what? A. He identified it as his coat. He said it was worn by Taborsky.

MR. BURKE: Object, Your Honor.

THE COURT: Same ruling.

MR. BURKE: Same grounds. Exception.

THE COURT: Surely.

A. (continued) - on the night that they went to New Britain.

Q. Anything further done there at that location?
A. No, sir.

Q. Where did you go then, from there? A. We returned to Arthur Culombe's house and went to the cellar.

Q. And who went down there? A. The same group, the four officers, two photographers and Arthur Culombe.

Q. At whose direction did you go there? A. Arthur Culombe told us before -

Q. When you arrived there what did you find?
A. Under a large cabinet we found a paper bag, tied with string, and Lieutenant Rome removed it and inside were parts of a gun which had all been taken apart and ground down on a grinding wheel.

Q. Did you take that into your possession?
A. Lieutenant Rome took that into his possession.

Q. Anything further at the house? A. No, sir.

Q. You ultimately left the house and where did you go? A. We left the house and got back into the car and were directed by Arthur Culombe to drive down Chandler Street, in Hartford, and he directed us to stop near a point where a brook ran under the street, and said that he had discarded some wallets in some brush in that area, and a set of keys he had thrown into the brook.

Q. Did you make any search at that time for any of these things that were mentioned? A. Yes, sir. The brook - an effort was made to check along the banks of the brook in the vicinity of where he said he had thrown the keys.

Q. Any results? A. No, sir.

Q. Anything further happen at that particular point? A. No, sir.

Q. You ultimately left there and where did you go? A. We went to Borden's used car lot on Main Street, in Hartford.

Q. At whose direction? A. At the direction of Arthur Culombe.

Q. And when you got there what did you find? A. We drove into the yard and he pointed out a 1949 black Oldsmobile and identified it as having previously belonged to him at the time - and used by he and Taborsky on the night that they had gone to New Britain.

Q. Anything further done at Borden's Service Station? A. The car was taken into possession at that time, and some ashes were searched, some ashes which had been discarded outside on the ground from a stove which was inside the building.

Q. Any results? A. No, nothing was found.

Q. Now, you left Borden's and where did you go? A. We returned to state police headquarters.

Q. And about what time was that, Detective? A. Six ten p.m.

Q. And whether or not anything further at that moment went on between the parties that you have described, including Culombe? A. We all went to the office of Major Reimer at State Police Headquarters where Major Reimer and Commissioner Kelly were present

Q. And what happened there? A. Culombe was asked about his participation in this crime, in the presence of Major Reimer and Commissioner Kelly, and he admitted that he had been a participant.

Q. And at the conclusion of that conference what did you do? A. We all went to state police barracks and had supper.

Q. And then after supper whether or not you were present in the room with Culombe when something happened? A. After supper we all went upstairs to the Special Service Division and about 9:30 p.m. Lieutenant Rome, Sergeant Paige, Detective Matus and I went into a room with Arthur Culombe to take a written statement.

Q. And whether or not that evening a written statement of the New Britain affair and statements of other incidents were taken? A. Yes, sir, they were.

Q. And were you present when the statements were made by Arthur Culombe? A. Yes, sir.

Q. And what part, if any, did you take in the proceedings concerning the statements? A. I typed the statements.

Q. I show you State's Exhibit Z-1 for identification, and ask you if you recognize it? A. Yes, sir.

Q. As what? A. That is the statement that I typed that night.

Q. Now, Detective, in this statement that I just showed you, State's Exhibit Z-1 for identification, there were other matters than the New Britain incident, were there not? A. Yes, sir.

Q. May I say that there is another matter other than the New Britain matter? A. Yes, sir.

Q. But that that you just identified was the Statement that Culombe signed that night, is that correct? A. Yes, sir.

Q. Now, I would ask you to look over this same exhibit, State's Exhibit Z-1 for identification, and pay

your attention particularly to the New Britain incident alone, and become familiar with it, if you will. Have you read it? A. Yes, sir.

Q. Now, I ask you to look at State's Exhibit Z for identification and ask you if you ever saw that before? A. Yes, sir.

Q. And when? A. On the fourth of March.

Q. And that was the next Monday? A. Yes, sir.

Q. After the Wednesday that they were talking about? A. Yes, sir.

Q. Under what circumstances? A. I went with Lieutenant Rome to the County Jail on that day to see Arthur Culombe.

Q. And what did you have with you at the time? A. We had this statement with us.

Q. And you are pointing to State's Exhibit Z, for identification? A. Yes, sir.

Q. You didn't type that, did you? A. No, sir.

Q. Miss Murtha typed it? A. I believe that it was Miss Murtha.

Q. And were you familiar with it when you went to the jail with Lieutenant Rome that day of March 4th? A. Yes, sir.

Q. And was it read to Culombe there? A. Yes, sir, it was.

Q. And was it signed by him? A. Yes, sir.

Q. There? A. Yes, sir.

Q. And in your presence? A. Yes, sir.

Q. And in the presence of Lieutenant Rome, as appears on that sheet, is that right? A. Yes, sir.

Q. Now, what does - what is the difference between the statement, Z-1, the original statement, and this statement Z - I'll withdraw that question. As far as State's Exhibit Z for identification, does that confine itself completely to the New Britain incident? A. Yes, sir.

Q. And does Z-1 have in it some other incident?
A. Yes, sir.

Q. And having read the incident of New Britain in Z-1, and having now become familiar with Z, can you say that they are one and the same substantially? A. Yes, sir.

Q. I think it has been testified except one little change about his address or where he lived or was born, was added to Z, is that correct? A. Yes, sir.

Q. And he signed this Z without any protest?
A. Yes, sir.

Q. And he was cooperative in doing that? A. Yes, sir.

Q. And whether or not you explained to him that it was the same statement with the other incident eliminated which is in Z-1? A. Lieutenant Rome explained that to him.

Q. In your presence? A. Yes, sir.

Q. And was it read to him? A. Yes, sir.

MR. BILL: Your witness.

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Officer O'Brien, Culombe was cooperative, wasn't he? A. Yes, sir.

Q. He cooperated fully? A. Yes, sir.

Q. Told you everything that you asked about? And told you everything that you inquired about? A. Yes, sir.

MR. McDONOUGH: That's all.

THE COURT: I take it that there is nothing further, Mr. Burke?

MR. BURKE: Your Honor please, I want the record to show that inasmuch as the ruling have been made that whatever this man testified to cannot be used against my client, Taborsky, I object to all of the statements he made where Culombe supposedly implicated Taborsky, I will retain my position and not question.

THE COURT: Mr. Bill, do you have something further?

MR. BILL: Nothing further.

THE COURT: You may step down.

MR. BILL: Lieutenant Rome, please.

SAMUEL ROME, previously sworn, called as a witness for the State.

DIRECT EXAMINATION BY MR. BILL:

Q. Lieutenant Rome, I think in your testimony where you previously testified before the jury, we brought your testimony up to the events of Wednesday afternoon, February 27. Now, did you enter into this Culombe investigation at that time that afternoon at sometime? A. Yes, sir.

Q. Where was it? A. At State Police Headquarters in the interrogation room, Special Services Division, third floor.

Q. And about what time? A. About three or three-thirty.

Q. Did you enter a room eventually where Culombe was? A. Yes, sir.

Q. Who was present when you were present?
A. Culombe, Detective Sergeant Donald Paige and Robert Murphy.

Q. Prior to your coming into the room had you talked with either one of the Officers you just named?
A. Yes, sir.

Q. And whether or not you had been informed of certain matters that had taken place before you arrived there? A. Yes.

Q. And after you received that information you went into the room? A. A short time afterwards.

Q. When you went in there will you tell us what happened? A. I asked Arthur Culombe if he would care to cooperate to the extent of showing us where at least a weapon was, and he said he would, and he told us if we took him to his home he would show us where he had a weapon hidden. I called Detective Vincent O'Brien and with Robert Murphy and Sergeant Paige and Arthur Culombe we proceeded to Culombe's home at 20 Coleman Drive.

Q. Now, it has been testified to here that as you started out Detective O'Brien was driving the car that was occupied by the people you just mentioned as you left State Police Headquarters. Where were you located in the car? A. I was sitting in the back seat with Arthur Culombe. He was to my left.

Q. Just the two of you in the back seat? A. Yes.

Q. And in the front seat was O'Brien driving, and what were the other seating arrangements? A. O'Brien and Sergeant Murphy and Paige were on the right side.

Q. Did there come a time you asked O'Brien to change places with Murphy so far as driving was concerned? A. Yes, sir.

Q. What was the occasion? A. I was talking to Arthur Culombe about the New Britain affair and other incidents and he started to talk and said he was involved

in this affair and I immediately asked Detective Murphy to take the wheel and Detective O'Brien to take notes on our conversation.

Q. Then did you continue your conversation with Arthur Culombe? A. Yes, I did.

Q. Can you tell us as best you can in your words what he said and what you said? A. Yes, sir. I asked Arthur Culombe whether he and Joseph Taborsky went to New Britain.

MR. BURKE: May I enter as to this witness my objection on the bringing in of Taborsky as prejudicial and all the rest of the grounds, Your Honor?

THE COURT: And I make the same ruling. I sustain the objection as far as Taborsky is concerned and instruct the jury to disregard it insofar as Taborsky is concerned. Go ahead.

THE WITNESS: On the night of December 15th he told me they had left Hartford, they traveled down Stanley Street in New Britain that it had been a stormy day, the roads were slippery and trees were down, that he was driving a 1949 Oldsmobile and Taborsky was seated beside him, and that they went to New Britain for the purpose of finding a place to holdup and get some money, and that they had passed a gas station on the left as they traveled from Hartford toward the center of New Britain, and Taborsky told him to turn around and drive back into the station, that they could take it over.

MR. BURKE: I will object again and may the objection continue?

THE COURT: Insofar as you find it necessary to object, it will be sustained as far as Taborsky is concerned and the jury is instructed to disregard it as before.

MR. BURKE: May the record show, instead of con-

tinuing my objection that I object to any questions that will implicate my client?

THE COURT: Substantially, the record may show that, and if we reach any point where you feel it is necessary for you to interject yourself you may feel free to do it.

MR. BURKE: Thank you.

THE COURT: Go ahead.

THE WITNESS: And that he, Arthur Culombe, turned his car around after he had gone past this station about a city block, drove into the station between the pumps and the station, and parked his car at the pumps, and that a man came out and waited on them, and Arthur Culombe had bought some gasoline. The car didn't require much, and he gave the man a two dollar bill. While this man was servicing him - his car - Joseph Taborsky asked this man if he had a men's room, and learning that he did, Joseph Taborsky went inside the station. He had just filled his car when the attendant started into the station and was met by Taborsky who was still inside and who put a gun on him and ordered this attendant into a boiler room. They both went into the boiler room and Culombe said he heard a shot. Taborsky came out of this boiler room alone and started to search this gasoline station for money. He was searching the register when another car drove in and pulled to the pump. Culombe didn't want Taborsky to be surprised by this man so he pretended he was the attendant and started to service this car. Just then Taborsky came outside and said to Culombe "You are crazy - this fellow has your marker number."

Taborsky, according to Culombe, then walked over to the driver's side and ordered this man at gun point into the men's room of this gasoline station. They both went into the men's room and Culombe said he heard two shots. Taborsky came out alone and they both searched the

station, got some money and they left and went back to Culombe's home in Hartford.

Q. Now, that took place, as I understand it, in a conversation between you and Culombe in your car on your way to Culombe's house, is that right? A. Yes, sir.

Q. Does that finish what took place in the car as far as you remember A. As it concerns this incident, yes. yes.

Q. Now, ultimately you arrived at Culombe's house. What did you do when you went there? A. I asked Culombe to show me where this gun was he talked to us about.

Q. Did you enter the house? A. We all did.

Q. All that you described in the car. Who was in the house other than those you described? A. Mrs. Culombe and her five year old daughter Sandra.

Q. What does this house consist of - as you enter it, do you enter the living room? A. You enter the living room.

Q. And did you go into the living room? A. Yes, sir.

Q. Did you go from there somewhere? A. Yes, Arthur Culombe took us to the bathroom.

Q. Where was that in relation to the living room? A. That is off the corridor between the living room and the bedroom.

Q. And who went with you - did Culombe? A. Culombe was there and Detective Sergeant O'Brien, and I had radioed in to have some photographers come out.

Q. And whether or not you did something when you reached the bathroom? A. Yes, sir, after Arthur Culombe

told me where I might find that weapon I had him removed to the living room and I removed two screws from this medicine cabinet, took the medicine cabinet from the wall, and where he told me I would find a briefcase with the gun. I found it.

Q. Where? A. It was in the partition of the wall to the left - I found a brown leather briefcase containing a gun and two blackjacks.

Q. What sort of material was this partition - wood? A. It was the regular house partition - plaster - two by four joists.

Q. And how had this bag been put in there - would you describe it? A. It had been forced into the hollow of the wall.

Q. From in back of where the medicine cabinet came? A. That is right.

Q. And you took that out? A. I did.

Q. Will you tell what the contents were? A. A P-.38 German Luger, and two blackjacks.

Q. What did you do with those? A. I took possession of them.

Q. And at that time did you do anything further? A. Yes, sir, a search was made of the living room and a high-boy cabinet affair, Arthur Culombe had a safe. He opened the safe, and in this safe I found a metal box which contained a pair of revolver grips, black, and a screw which fitted one of the grips, a cylinder pin and a mainspring for a revolver.

Q. Did you take possession of those? A. Yes, I did.

MR. BILL: Is Captain Chameroy in the courtroom? Could you deliver the objects just named by the witness to me?

Q. Take this envelope from Captain Chameroy and take out the contents, Lieutenant Rome, and as a result of taking these objects I have now in front of you, I ask you, first off, to pick one up and tell us what it is? A. This is a mainspring or spring to a revolver.

Q. Where was that found? A. It was found in the metal box which was in the safe in the cabinet of Arthur Culombe's bedroom.

Q. That you just described? A. Yes, sir.

Q. Will you pick up the second object and describe that? A. That is the revolver grip or handles and the pin which would secure them to a revolver.

Q. There are two grips there? A. Yes, sir, there are.

Q. Will you put them together again? Now, the third object - what is that? A. This is a cylinder pin for a revolver.

Q. Now, are those three objects you found in that box you just described? A. They are.

Q. Now, what did you do with those three objects? A. I took possession of them and kept them and at a later time turned them over to Captain Chameroy. I had kept them locked in my desk drawer at the Special Services room.

MR. BILL: May these three be marked as one exhibit for identification?

MR. BURKE: This is merely for identification?

THE COURT: Yes, they are three being combined as State's Exhibit GG for identification.

(Envelope containing gun parts marked State's Exhibit GG for identification.)

THE COURT: Will you escort the accused from the courtroom, please?

The jury may retire to the jury room and the alternates to their room.

Short recess, Sheriff.

(Recess at 3:28 P.M.)

JUNE 18th, 1957 - 3:50 P.M.

THE COURT: Bring up the accused, Sheriff.

(Accused present)

THE COURT: May I have the jury, Sheriff, and the alternates, please?

(Jury and alternates present)

SAMUEL ROME, on the witness stand.

DIRECT EXAMINATION BY MR. BILL: (RESUMED)

THE COURT: You may proceed when you are ready, Mr. Bill.

Q. Lieutenant, you just testified to finding these articles that you identified. Now, after that what took place? A. Arthur Culombe directed us to a swamp at the intersection of Newfield and Dexter Streets, and pointed to a spot close to the center of this swamp and said that this was where he threw the two revolvers that were used on the New Britain job.

Q. Did you make any search for them at that time? A. No, sir.

Q. What did you do after that? A. We then under his direction went to a lot at the corner of Dexter and Reed Streets, very close to this first one, where he pointed to an object and says "you will find my raincoat, my name

inside and a number," and he gave us the - from memory he gave us the serial number which was written inside this raincoat and he said this was the coat that was worn by -

MR. BURKE: Objection, Your Honor. Same ground.

THE COURT: Same ruling. The jury will disregard it in so far as the Taborsky case is concerned. Go ahead.

A. (continued) - worn by Joseph Taborsky when they held up Kurp's gas station in New Britain on the night of December 15th.

Q. Was the coat found at that point? A. Yes.

Q. In your presence? A. Yes, sir.

Q. And in Culombe's presence? A. Yes, sir.

Q. And who found it? A. Detective Robert Murphy.

Q. And did he take possession of it? A. He did.

Q. What did detective Murphy do with that raincoat?
A. He kept it in his possession until he turned it over to me at the barracks and it was placed in a locker in our squad room.

Q. Showing you State's Exhibit FF for identification I ask you if you recognize that exhibit? A. Yes, sir, with Culombe's name stenciled on the collar.

Q. What did you do with it? A. I kept it in my locker and later instructed Officer James Kingston to take this, along with other items to the State Laboratory on Main Street.

Q. Now, getting back to the scene where this raincoat was found, after it was found what happened?
A. We then went to a street - the name of the street escapes me now.

Q. Was it Reed? A. No. Reed and Dexter is where we found the coat.

Q. All right. Chandler? A. Chandler Street, yes, sir.

Q. And what happened there? A. Arthur Culombe pointed to a wooded area where he told us that he had thrown the papers, identification papers taken from the wallets of the victims at Kurp's gas station.

Q. And was any search made at that time for those articles? A. A search was made for a very brief period of time.

Q. Any results? A. No, sir.

Q. Anything further done there at that location? A. A search was also made for some keys, also without success.

Q. I didn't hear that. A. A search was also made in a culvert for some keys.

Q. Any results? A. No, sir. Without success.

Q. Ultimately did you leave Chandler Street? A. We did.

Q. And where did you go? A. We went to Culombe's home.

Q. And what did you do there? A. In the basement of his home he told us that we would find another gun that was ground up, under a cabinet, and we used something to wedge this cabinet and raise it, and under this cabinet we did find parts of a gun well ground up, mutilated, in a brown paper bag.

Q. Anything else done there at the house that you remember? A. A search was also made of the trash barrel area, without success.

Q. And anything else? A. No, sir.

Q. And at this point did you leave Culombe's house? A. Yes, sir.

Q. And where did you go? A. We went to Borden's Auto Sales, on North Main Street, in Hartford.

Q. At whose direction? A. Arthur Culombe's.

Q. And when you arrived there what did you find? A. Arthur Culombe pointed to a 1949 black Oldsmobile and he had turned it in to Borden for the Chevrolet that he now owned, and that that 1949 Oldsmobile was the one that he used when he drove to New Britain the night of December 15th, with Joseph Taborsky.

Q. Did anything else happen at Borden's? A. Yes, a search was made of the ashes of a pot bellied stove in an effort to recover some articles, metal items that might be in there, articles that Culombe said he threw in this stove at an earlier date.

Q. Any results? A. No, sir.

Q. Then did you leave Borden's? A. We did.

Q. Where did you go to? A. We went back to the barracks.

Q. And when you got back to the barracks what did you do? A. We took Arthur Culombe to Major George Reimer's office, where we were met by Commissioner John Kelly and Major Reimer.

Q. And what was done in their presence? A. Commissioner Kelly asked Culombe about his participation in this crime, and other incidents, and Culombe told the story to Major Reimer and Commissioner Kelly as he had told it to us a short time previously.

Q. After leaving that conference where did you go?

A. Later that evening we went upstairs and took a statement from Arthur Culombe.

Q. There was an interim there, was there to have supper? A. We had supper.

Q. And later you met with Culombe? A. Yes, sir.

Q. And where was that? A. That was up in the Special Service Division on the third floor, State Police Headquarters, in Hartford.

Q. About what time? A. About seven o'clock.

Q. And who was there? A. Detective O'Brien, Sergeant Paige, Eddie Matus and I, with Arthur Culombe.

Q. And what took place there? A. We took a statement from Arthur Culombe.

Q. And did you discuss other incidents than the New Britain matter? A. Yes, sir, we did.

Q. And as a result of the discussion did Arthur Culombe give a statement that was transcribed? A. Yes, sir.

Q. And who transcribed it? A. Detective Vincent O'Brien.

Q. And in shorthand, do you know? A. I am of the opinion that was typed.

Q. Typed right then and there? A. Yes, sir.

Q. And did you conduct the questioning with Culombe which resulted in the statement concerning the New Britain affair? A. Yes, sir, I did.

Q. And I show you State's Exhibit Z-1 for identification. and ask you if you recognize it? A. Yes, sir, I do.

Q. As what? A. The statement that we took from Arthur Culombe the night of February 27th.

Q. And is it signed by Arthur Culombe? A. It is.

Q. Was it signed in your presence? A. It was.

Q. And is your name down there as a witness? A. Yes, sir.

Q. And other names as witnesses? A. Yes, sir.

Q. And who are they? A. Donald Paige, Vincent J. O'Brien and Edward Matus.

Q. Now, Lieutenant, in taking down this statement that you just saw, State's Exhibit Z-1, did you find on examining that that it contained another incident other than the New Britain affair? A. Yes, sir.

Q. And as a result of that, of that statement containing something other than New Britain, did you do something about that? A. Yes, sir, I did.

Q. At a later date? A. Yes, sir.

Q. And what did you do? Did you have a conference with somebody? A. Yes.

Q. And with whom? A. Policewoman Doris Murtha.

Q. Did you have a conference more particularly with a superior officer? A. Yes, sir, Major George Reimer.

Q. And did you have a discussion with him? A. Yes, sir.

Q. As a result of your discussion did you do something with this statement, Exhibit Z-1? A. Yes, sir.

Q. And what did you do? A. I had the New Britain incident isolated.

Q. In other words, eliminated anything other than the New Britain incident? A. Yes, sir.

Q. And did you give a request to someone in your department to do that very thing? A. Yes, sir.

Q. And who did it? A. Policewoman Doris Murtha.

Q. And when was that accomplished? A. On Sunday.

Q. The Sunday following the incident? A. Yes, sir.

Q. March 3rd? A. Yes, sir.

Q. And showing you State's Exhibit Z for identification, and also along side of it Z-1, for identification, will you examine those two exhibits so you will be able to tell us whether the stories in the two exhibits concerning the New Britain matter coincide substantially? A. They do coincide substantially.

Q. And that Sunday did you receive that State's Exhibit Z for identification from Miss Murtha? A. Yes, sir.

Q. And at that time did you copy this Z - State's Exhibit Z - compare it with Z-1 - concerning the New Britain affair? A. Yes, sir.

Q. And did you find that it compared substantially? A. I did.

Q. And after you found that out, did you do something with it? A. Yes, I kept both of them with their copies in my possession, and the following day Detective Sergeant O'Brien and I went to the County Jail where we talked with Arthur Culombe.

Q. And what did you tell him, if anything with respect to your mission? A. I explained to him the fact that this original statement has something in it other than the one in New Britain, that I had removed the other incident, and this was just a story of the New Britain affair. I read it to him aloud and explained the difference and he signed it.

Q. You say you what? A. I explained this.

Q. Meaning the difference between the two?
A. The statements.

Q. One having an incident that wasn't in this one, is that right? A. Yes, sir.

Q. And after you read it, what did he do? A. He signed it.

Q. In whose presence? A. Detective Vincent O'Brien and mine.

Q. Did he have any object to it? A. None whatsoever.

Q. Did he do it voluntarily? A. Yes, sir.

Q. Was he cooperative? A. Yes, sir, he was.

Q. Is that the statement he signed? A. Yes, sir, that's the statement he signed.

MR. BILL: I offer this - Z.

MR. McDONOUGH: No objection.

MR. BURKE: I wish to have the record show that I object to this being introduced and read to the jury for the reason that it does contain statements which were supposedly made by Taborsky and attributed to him by Culombe, and that these statements would be prejudicial to Taborsky and would be inflammatory in the hands of the jury against Taborsky's interests, and that whole statements, as set forth in there makes Taborsky appear as being the instigator of this whole thing; and no matter how the Court admonishes the jury, it is impossible to close one's mind to that which they have heard.

Now I want the record to show that I asked the Court to blank out this, or at least take out from the statements which Culombe made about Taborsky as prejudicial statements. To introduce this and let the jury read it would be just highly prejudicial to the interests of Taborsky.

MR. McDONOUGH: I said I didn't object. May that be withdrawn, and may I request Your Honor to observe the objection I made to the Court previously?

THE COURT: Certainly, and with reference to Mr. Burke's objection, I will make the same ruling. I will refuse to follow his request, but I will instruct the jury that this is not admitted in the case of State versus Joseph Taborsky. Anything in it that portends to refer to the Taborsky case has no place in your minds at all insofar as the Taborsky case is concerned, and you will disregard it entirely. I don't know how I can say that any plainer. It has no bearing whatever on the case of State versus Joseph L. Taborsky, and you will not consider it or allow it to influence you in any way in arriving at your consideration as to what you should do in State versus Taborsky, if you do arrive at such a position, but I will admit it.

MR. BURKE: May I have an exception to Your Honor's ruling?

THE COURT: Surely. This will be State's Exhibit Z - full exhibit.

(State's Exhibit Z for identification - confession - marked a full exhibit.

Q. I just want to ask a few questions about this State's Exhibit Z. I notice in it the date appears to be February 28, 1957 - 12:30 A.M. Now, I understand from you this was a substitute to Z-1 for identification. How was the date done there - or figures out - if you know?

A. Yes, I do. The original State's Exhibit Z-1 - as we started to take that statement at 10:55 P.M. - and this information contained in State's Exhibit Z - we marked that at 12:30 A.M., which was the time as near as we could determine that that information was obtained, and there is a correction on the date. We started on February 27, and February 27 was again originated on State's Exhibit

Z, and Miss Murtha made that correction and changed it to the 28th - 12:30 A.M. - which would be the cause of that.

Q. In other words, this Z-1 was taken in two parts. Some other incident took up some of the time? A. Yes.

Q. And you started at 10:55? A. Yes.

Q. And you figured that having been disposed of, this made it the New Britain affair started the next morning, February 28 at about 12:30. Is that the reason for the time and date? A. Yes, sir.

MR. BILL: If it please the Court and ladies and gentlemen of the jury, State's Exhibit Z read as follows:

"S-152-M State of Connecticut, County of Hartford, Hartford, February 28, 1957. 12:30 A.M.

"Statement of Arthur Culombe.

"I, Arthur Culombe, age 32, of 20 Coleman Drive, Hartford, Conn., give the following voluntary statement, without fear, threat or promise, and knowing that this statement will be used in court.

"I was born in Fall River, Mass., on February 28, 1924, the second oldest of five children born to my parents, Mr. and Mrs. George Culombe, now living in Fall River, Mass. I left Grammar School while I was in the third grade.

"I have known Joseph Taborsky who now lives on Hancock Street, Brooklyn, New York, since 1951.

"On Saturday afternoon in December, 1956, Joseph Taborsky came to my home at 20 Coleman Drive, Hartford. Joe knew that I had a collection of guns, and he also knew that I had a 1949 black Oldsmobile. Joe and I went to the bedroom in my home, closed the door, and made plans to hold up some place and get some money. Joe said he couldn't go home without getting some money to give to his wife because she "thinks I am working."

"The road was very icy and slippery and in some places the trees and wires were down. When we got into New Britain, we passed a gas station and Joe said, "You better turn around and I'll go in and get that place." I turned around and drove into the gas station. There were no customer's cars parked there, but there was one car parked there, a Plymouth, and I believe it was the owner's. The gas station attendant, who was a man about my age, came out and I gave him the keys to my car and I told him to fill up the tank. He filled up my tank and it amounted to about a dollar and some change. I gave him a $2 bill. The man was hanging up the hose when Joe Taborsky stepped out of the car and asked the man if he had a men's room in the place. Joe went into the men's room as the owner was going into the station. I was still sitting in the car by the gas pump. My car was facing toward Hartford. Joe said something to the guy and took out his gun and pointed towards a door that looked like it led into a boiler room or furnace room. The man, who was dressed in a gas station uniform, went into this room and Joe followed him in. Just as soon as they got into this room I heard one shot and saw that it came from the gun that was in Taborsky's hand. This was one of tw .32 calibre revolvers that I had loaned to Taborsky before on this night, and that he had when he went into this gas station. These two revolvers I bought from New York Loan Co. in Hartford this past summer.

"The room where Taborsky took the attendant had a red pump on the floor, a boiler on the left side and a door on the right side of the room. I saw Taborsky come out of the room and he had my nickel plated revolver in his hand. He put the revolver in his pocket and walked over to the cash register and tried to pry it open with some object. I saw him open the register and take money out and put it in his pockets. At the same time I saw a car, I think a Buick, drive into the gas station. I got nervous because I didn't want him to see Taborsky come

out of the station, so I walked over to this car when he pulled alongside the pump and asked him how much gas he wanted. This man had a little child in the car, and in my opinion it looked like a boy, and he parked the car facing toward New Britain. The man I believe knew I wasn't the gas station owner and he got out of his car. Just at this time, Taborsky came out of the door of the gas station, pointed my .32 revolver, blue with a long barrel at him and said to me, "Are you crazy, he got your marker number" and he told the man to get inside the gas station. This man was a young guy about 35 years old. I don't remember how he was dressed, but I think he was dressed in ordinary working clothes. This man did what Joe told him to do and walked right into the station. Joe made him go into a room which is on the right side as you go in. I believe it looked like a men's room. Joe and the man went into this room and I heard two shots. Joe came out of the room, still holding my revolver in his hand. I was in my car at the time and Joe got in beside me, still holding my revolver in his hand, and we drove towards Hartford.

"When we went into the gas station in New Britain, I believe it was about 7:00 or 7:30 P.M.

"I drove to Hartford and Joe sat beside me with the revolver in his lap. Joe said, "If any cop tries to stop us, I will shoot to kill the son of a bitch, nobody's going to take us." We went up to my house and found my family asleep. We went into the kitchen and Joe showed me two wallets that he said he took from the two men in the gas station. He took the money out of both wallets, one wallet contained $2.00. I think this wallet was black. The other wallet, which I think was alligator, had $20 or $30 in it. The total from the two wallets and the register was about $133. Joe gave me about $60, about $30 in change and $30 in bills.

"Joe told me to come down to his car, that he wanted to talk to me. He had some trouble getting his car started and I gave him a push. After he got his car started he told me to sit in his car beside him. Then Joe told me that he trusted me and that if I ever told my wife about this he would kill me and if he couldn't get at me, he would get my wife or children. I told Joe I wouldn't tell anybody, and he went home to New York.

"The above statement has been read to me and it is true.

"Signed - Arthur Culombe.

"Witnesses: Samuel Rome; Vincent J. O'Brien."

Q. Now, after this statement and others were made on Wednesday night and early Thursday morning, what happened to Culombe? Where did he stay that night?
A. At the barracks.

Q. Was Taborsky around? A. Taborsky was at the Hartford County Jail.

Q. I think you have testified to all proceedings up until Wednesday in your last appearance before the jury, but just to get things up to date, when did you last take Taborsky down to the jail prior to this Wednesday we are talking about now? A. Tuesday night.

Q. And was Taborsky taken from the jail at any time between Tuesday night when he was taken down there and the next Thursday morning? A. No, not until the next Thursday morning.

MR. BURKE: May I now inquire - you have left Culombe and you are on the Taborsky case?

MR. BILL: Well, I have a few things to bring in jointly about that morning in court. I am proceeding with Taborsky, however.

MR. BURKE: I would like to have it made clear so I will know my position. If he is proceeding with the Taborsky case I want to be alert to that fact.

THE COURT: I think from my observation point, you had better be alert.

MR. BURKE: Thank you, Your Honor.

THE COURT: Go ahead.

Q. Now, on Thursday morning did you see, Culombe?
A. Yes, sir.

Q. And where did he stay that night — Wednesday night - the night of the statements? A. At the Hartford barracks.

Q. And did you see Taborsky? A. Yes, sir.

Q. Under what circumstances did you see Taborsky?
A. I saw him at the County Jail when I asked to bring him to the barracks.

Q. Was he delivered to you at the Hartford County Jail? A. Yes, sir, he was.

Q. And under what circumstances did you bring him over - did you take him over to State Police headquarters?
A. Yes, sir.

Q. And from whom did you receive him? A. If I remember, the Deputy Sheriff or Sheriff in charge at the time.

Q. Where did you take him to? A. We stopped at the Hartford Courant, and I didn't leave the car, and from there we went to the interrogation room on the third floor Special Services Division of the State Police headquarters on Washington Street.

Q. You stopped at the Hartford Courant building. Did you do something there or send for something?
A. I bought a newspaper.

Q. Did you later on at that time show that paper to Taborsky? A. I did show it to Taborsky at that time.

Q. Was there anything there about the paper you showed him? A. The headline stating "Culombe Confesses" - I showed that to Taborsky.

Q. Then did you ultimately arrive at State Police Headquarters? A. I did.

Q. And when you got there was there anything done?
A. Yes, sir, I had Culombe brought in the room where Taborsky was and asked Culombe to tell us in the presence of Taborsky what he had told us the previous day.

Q. Who was there other than the two accused, do you remember? A. I am of the opinion Detective O'Brien and Sergeant Paige were there.

Q. And what did Culombe do, if anything?
A. Culombe told us in the presence of Taborsky that which he had told us the previous day.

Q. He repeated this story? A. He did.

Q. And was it substantially as the statement, State's Exhibit Z? A. Yes, sir, it was.

Q. What did Taborsky do, if anything?

MR. BURKE: I am going to object. All of this is inadmissible. It is our claim that when a man is in custody and under arrest, that anything he says or does, or if he is confronted with someone to make a statement, it is his duty to do nothing. It is inadmissble.

MR. BILL: The fault with that is that if he has done nothing, then the State can't claim it. Under the Ferrone case, if he remains silent, that is inadmissible. The cases hold that if he does say something, it can be brought out on the basis of what he said.

MR. BURKE: In the case of State against Bates, it is true, when the accused remains silent, it cannot be introduced, and it is also true that if the accused denies it, it cannot be brought in.

THE COURT: Do you have a case on the latter statement? You needn't show me anything on the first part. He has a perfect right to remain silent, but do you have a case that says that if he does say or do something that it isn't admissible?

MR. BURKE: I think I do, Your Honor.

THE COURT: I would like to see it.

MR. BURKE: I can't put my hands on one, Your Honor, but my recollection of the law is that the only purpose that such evidence is admissible is to show the attitude or the conduct or the demeanor — I believe the Court uses that word — of the accused upon being accused by somebody else. I think that a denial or remaining silent makes this sort of thing inadmissible. I can't put my hands on the case.

THE COURT: There's no question about it, the Court agrees with you on the remaining silent, but I don't go along on the other, so I'll have to overrule your objection.

MR. BURKE: You mean, Your Honor please, if he remains silent this evidence couldn't be introduced?

THE COURT: Could not be.

MR. BURKE: And if he denies it, it could be? It would seem a denial would make his —

THE COURT: He has a perfect right to remain silent. If he denies it, the Court isn't going to comment. I think it's admissible.

MR. BURKE: May I have an exception?

THE COURT: You surely may. And if you find your case I should still like to read it.

MR. BURKE: I think, Your Honor, the Court's opinion in State vs. Ferrone, 97 Conn. 258, that has to do with statements made by the accused himself not in the nature of a confession, either of his own volition or in response to questions or queries while he is under arrest.

THE COURT: May I see that case?

MR. BURKE: Yes, Your Honor.

THE COURT: Do either of you gentlemen have 97 Connecticut on the table?

MR. LABELLE: We have it upstairs, Your Honor.

THE COURT: You can get it right in my office.

MR. BILL: State vs. Bates, 140 Conn. 329, quotes the Ferrone case and gives the rule, Your Honor.

THE COURT: I understand; but if Mr. Burke wants me to read the 97th Connecticut I'll be very happy to read it.

MR. BILL: I think, Your Honor, I'll stop all discussion by withdrawing the question.

THE COURT: All right. Incidentally, did that come out of my chambers? If you give it to me I'll see that it gets back.

MR. BURKE: That's page 266.

THE COURT: The question is withdrawn.

BY MR. BILL:

Q. Now, Lieutenant, what happened after that?
A. They were later presented in Court.

Q. Did you have information that certain Court pro-

ceedings were going to be held here in the Superior Court?
A. I did.

Q. And as a result of that information did you do something in connection with the accused? A. Yes; I had them both here, served bench warrants on both of them — each one of them.

Q. You caused bench warrants to be served on them?
A. I served them myself.

Q. You served them yourself? And were you in attendance at the Court hearing? A. Yes, sir.

Q. Before His Honor, Judge Abraham S. Bordon?
A. Yes, sir.

Q. And were both the accused here? A. They were.

MR. BILL: Now, at this time, Your Honor, I'd like to introduce a transcript of the proceedings in both cases.

THE COURT: They are marked for identification. What is the marking?

MR. BILL: State's Exhibit BB for identification; that's the Culombe case. And State's Exhibit CC for identification, which is the Taborsky case. I move that they be made full exhibits.

THE COURT: Is there objection on your part, Mr. McDonough?

MR. BILL: I'll take BB, first that's Arthur Culombe.

MR. McDONOUGH: No, Your Honor.

THE COURT: May be marked a full exhibit.

(Court proceedings of Feb. 28, 1957, previously marked "State's Ex. BB for identification," received in evidence as a full exhibit.

MR. BILL: If it please the Court, ladies and gentle-

men of the jury, State's Exhibit BB reads as follows: That's case number 21665-6, and that's the Culombe case —

MR. McDONOUGH: 21654.

THE COURT: No, no. 21665-6.

MR. BILL: I am quoting the stenographer's number.

THE COURT: The number in this case.

MR. McDONOUGH: I was referring to the other Court trial.

THE COURT: Which one were you giving, Mr. Bill?

MR. BILL: 21654 was the number of the bench warrant: That's another case other than this.

MR. McDONOUGH: But it should be identified by that Court file number, Your Honor.

THE COURT: No; we are talking about different things.

MR. McDONOUGH: We're talking about the same transcript.

THE COURT: But we're talking about different things. The question is in which case this was admitted as an exhibit, and it is in the Culombe case, which is 21666.

MR. McDONOUGH: Now we're all talking about the same thing.

THE COURT: That's good. Go ahead, Mr. Bill.

MR. BILL: What is this "21665-6"? Why is that in there. That's Taborsky case, isn't it?

THE COURT: Taborsky is 21665 and Culombe is 21666.

MR. BILL: The stenographer has got it 21665-6.

THE COURT: Well, it shouldn't be.

(Exhibit corrected to read "Case No. 21666.")

MR. BILL: State's Exhibit BB, Case No. 21666:

"No. 21654, State vs. Arthur Culombe, Superior Court, County of Hartford, February 28, 1957.

"Before Hon. Abraham S. Bordon, Judge.

"Appearances: Douglas B. Wright, Esq., for the State.

"The accused, pro se.

"MR. WRIGHT: Your Honor will recall that early this morning a bench warrant was issued in the case of Arthur Culombe. We now present this man before the Court and I present the bench warrant which has been endorsed showing it has been served. At this time, Your Honor, we request that the Court issue and order releasing Arthur Culombe into the custody of Commissioner John C. Kelly of the State Police, or his deputy, for the purpose of further investigation, following which Arthur Culombe shall be returned to the Hartford County jail.

"Arthur Columbe is now before the Court and I suppose he should have a right to speak if he wishes to.

"THE COURT: Culombe, you have been arrested pursuant to a bench warrant issued by this Court. You are being charged with murder in the first degree. The federal and the state constitutions and the laws of our state give you certain rights. You have a right to have an attorney of your own choosing. Do you have one?

"THE ACCUSED CULOMBE: No, I don't.

"THE COURT: Do you wish to have one?

"THE ACCUSED CULOMBE: Yes, I do.

"THE COURT: Is there anyone that you have in mind that you would like to represent you? If you don't have one or wish to have one the state will provide you with

an attorney. Usually it is the public defender. Would you like the public defender to represent you?

"THE ACCUSED CULOMBE: No, I don't.

"THE COURT: Do you have an attorney in mind?

"THE ACCUSED CULOMBE: I would like to ask Tommy McDonough.

"THE COURT: Are you able to engage him and pay him for his services?

"THE ACCUSED CULOMBE: No, I can't.

"THE COURT: In due course the Court will see that you have an attorney of your own choosing even though it may be necessary for the state to pay for his services. In the meantime the police wish, of course, to conduct an investigation into the charge which is made against you. You have a right, if you wish, to say nothing, or you may, if you wish, cooperate with the police. The police, I am sure, will respect your rights, will not violate any of the rights that you have. I am now asked to permit the police to take you from jail in order to conduct their investigation. Are you willing to cooperate with the police?

"THE ACCUSED CULOMBE: Yes, I am.

"THE COURT: In the course of the investigation the police may wish to take you to various places that they claim now are the scenes of some of the crimes which are charged against you. Are you willing to cooperate with them?

"THE ACCUSED CULOMBE: Yes, I am.

"THE COURT: You do that voluntarily?

"THE ACCUSED: Yes, I do.

"MR. WRIGHT: I prepared an order, Your Honor, which I present to the Court.

"THE COURT: Culombe, the motion is that I release you to Commissioner Kelly for the purpose of continuing the police investigation of the crime that you are charged with. I am going to enter that order on the strength of the statements that you have made that you are willing to cooperate with the police. It that agreeable to you?

"THE ACCUSED CULOMBE: Yes, it is. I want to cooperate with them in any way I can.

"THE COURT: Then the order may issue. The motion of the State's Attorney is granted."

* * * * *

MR. BILL: Now, I would like to introduce —

MR. BURKE: Your Honor please, I am going to object to the introduction of this exhibit, the other exhibit, and I am going to object to it on these grounds: One, that though the Court may take judicial notice of the Court proceedings, the proceedings under this that the State's Attorney wishes now to read to the jury is not within the purview of the indictment of this particular crime. My client is charged by an indictment of the grand jury with a certain crime. This bench warrant was issued willy nilly, I don't know what crime. There was a proceeding over here, some sort of a preliminary proceeding, but just because there was an indictment by the grand jury I submit that to stand and read to the jury questions and answers which occurred in the courtroom is the recording to the jury of hearsay information prejudicial to the rights of Taborsky, and I submit, Your Honor, that it is not admissible.

THE COURT: What do you say, Mr. Bill?

MR. BILL: Well, Your Honor, of course this was in the presence of the accused, and he was here and all the statements that were made were made in his presence, and what statements he made are here.

THE COURT: What is the purpose of the offer?

MR. BILL: The purpose of the offer?

THE COURT: Yes.

MR. BILL: The purpose of the offer is to show that the accused was informed of his Constitutional rights by the Court, and the matter of an attorney for him was discussed, and those matters were all discussed here and they are highly important and they show the conditions under which the State proceeded from there on, and that the motion was granted turning these men over to the State Police, which was a valid order of the Court and shows and explains the status of the accused from there on.

THE COURT: I am inclined to think it is premature. I'll sustain the objection at this time.

BY MR. BILL:

Q. Now, at the conclusion of the proceedings in this Court on that day of February 28th, which was Thursday, did you ultimately leave the Courtroom here? A. I did.

Q. And what became of the two accused? A. The accused Joseph Taborsky was sent over to the State Police barracks to be locked up, and Arthur Culombe accompanied us to the scene of the crime in New Britain, where he showed us just how he and Taborsky had committed this crime.

MR. BURKE: May I again enter my objection to the witness' statement of what Culombe said, what Culombe did or whatever he did over there implicating Taborsky in that crime.

THE COURT: Yes; I'll rule the same as I have ruled all along, that any statements made by Culombe in the absence of Taborsky are not admissible in State vs. Taborsky. I'll strike them out of the case of State vs. Taborsky

and I have admonished the jury frequently, I think, and I would again, that in case I do that the evidence is not to be considered in the case of State vs. Taborsky. You may proceed, Mr. Bill.

Q. You say you went to New Britain, and where did you go with Culombe? A. Went to Kurp's gasoline station.

Q. And whether or not the accused Culombe got out of the car? A. He did.

Q. And what did he do? A. He showed us where he had parked his car the night of December 15th. He showed us where he stood when Taborsky took —

MR. BURKE: May I object to this, Your Honor.

THE COURT: No; let him finish and I'll be able to rule them. Finish your statement.

A. (continued) — took the attendant into the boiler room and later the customer into the men's toilet.

THE COURT: I'll hear you.

MR. BURKE: As I understood from Mr. Bill, right now he is proceeding on both cases. Is that not correct, Mr. Bill?

MR. BILL: Yes.

MR. BURKE: And here is evidence of a witness being placed in this case, statements by Culombe as to —

THE COURT: Oh, you don't need to labor the point. I will agree and I'll rule the same as I have. Your motion to strike out in so far as Taborsky is concerned is granted. The jury will disregard it entirely. Go ahead, Mr. Bill, or Lieutenant.

A. He also pointed out that at this time the cash register was in a different place. He said he thought it

was in the window, near the window the night of the crime, and at this time it was on a counter near the wall between the boiler room and the men's toilet.

Q. You saw it there yourself? A. I did.

Q. All right. What then? A. And he went into some detail as to what was in the boiler room that Joe Taborsky — where Joe Taborsky took the attendant, and showed us the cabinets they searched, and we left shortly thereafter.

Q. Anything further? A. No, sir.

Q. And did you bring Culombe back to State Police headquarters? A. Yes, sir.

Q. And was there anything further done concerning Culombe between that Thursday afternoon, would it be? Thursday afternoon? A. Thursday afternoon.

Q. And Saturday morning, or Saturday? Did he participate, or you, in any part of the investigation during that time, do you remember? A. Not that I remember at this time.

Q. And where was he at that time? A. He was at State Police barracks.

Q. Why was he at State Police headquarters?
A. So we could further discuss.

Q. Had there been any discussion whether he should go to jail or stay at State Police headquarters? A. Yes, sir.

Q. And what was that? A. It was Arthur Culombe's wish that he stay with us at the State Police barracks.

Q. You say Taborsky was at the jail? A. Yes, sir.

Q. That is, from Tuesday morning to Thursday morning Taborsky was at the jail. And where did he go after Thursday morning, if he did?

THE COURT: Where did who go, Mr. Bill?

MR. BILL: Taborsky.

A. He went to the barracks and stayed there two or three hours and then was taken to the Hartford County Jail.

Q. And he remained there until when? A. Friday, March 1, about 5:30 P.M.

Q. And that is the period Culombe remained at State Police headquarters? A. Yes, sir.

Q. Now, whether or not between Thursday afternoon when you had Taborsky taken to the Hartford County Jail, and somewhere around 5:00 o'clock Friday afternoon the next day, March 1, had anybody - you or anyone of your officers seen Taborsky during that time? A. No, sir.

Q. And he remained in the Hartford County Jail during that time? A. Yes, sir.

Q. Just before 5:00 o'clock did you see somebody other than Taborsky? A. I saw and talked with his mother.

Q. That is, Joseph Taborsky's mother? A. Yes, sir.

Q. Under what circumstances and where did you meet her? A. I met her at the barracks.

Q. Had that been as a result of a request? A. At a request of her.

Q. At a request of her? A. Yes.

Q. To whom had the request been made? A. To me.

Q. And in person or by what other communication? A. By telephone.

Q. At about what time? A. I don't know the time. I am of the opinion it was earlier that day.

Q. Friday? A. Yes.

Q. You mean earlier than this 5:00 o'clock you speak of? A. Yes, sir ,much earlier.

Q. And you had talked with her on the telephone? A. Yes, sir.

Q. As a result of that talk did you later see her in person? A. Yes, sir.

Q. And did you furnish the transportation for her? A. I did.

Q. From where to where? A. From her home at 226 Park Terrace to State Police headquarters.

Q. Did you have a talk with her at State Police headquarters? A. Yes, sir.

Q. And after that conference with her was something done? A. Yes, sir.

Q. What was that? A. I brought her into the interrogation room where her son Joseph Taborsky sat.

Q. During the time you were talking to the mother was something done about Joseph Taborsky - he was at the jail? A. Yes, he was brought to the State Police headquarters.

Q. Now that we have him there at that time, what time was that about? A. About five or five-thirty.

Q. And what room was he in? A. In the interrogation room at State Police headquarters.

Q. Did you enter the room there sometime? A. I did.

Q. Were you accompanied by somebody? A. Yes.

Q. By whom? A. Mrs. Taborsky.

Q. When you entered that room who did you find there? A. Joseph Taborsky.

Q. Anybody else? A. Officer Robert Reimer.

Q. What was this officer, Robert Reimer, doing there? A. He was doing guard duty.

Q. When you got into the room what happened? A. Mrs. Taborsky and Joseph Taborsky exchanged greetings.

Q. In what way? A. Mrs. Taborsky went over to him and put her arm around him, they both sat down very close to each other - almost facing each other - and I sat on the table almost in between the both of them.

Q. And what was said then by Mrs. Taborsky and Joseph Taborsky? A. Mrs. Taborsky told her son she wanted him to tell the truth, and that she would love him just the same, he would still be her son, and not to hestitate to tell his part of the story, because Culombe had told his and put the blame entirely on Taborsky.

Q. Anything further? A. She continued to plead with him to tell the truth. I talked to Joe Taborsky.

Q. You mean in the mother's presence then and there? A. Yes, sir, and this went on for quite a few minutes, and finally, at his mother's request, Joe said he was implicated.

Q. Now, after he said he was implicated, what happened? A. His other asked him to what extent, and Joe told her in my presence.

Q. And other incidents other than this New Britain were discussed, were they not?

MR. BURKE: I object to it because —

THE COURT: I will sustain it; you don't have to.

Q. Was the New Britain matter discussed? A. Yes, sir, it was.

Q. What did Joseph Taborsky tell his mother concerning that incident, if you remember? A. He said the other fellow shot the attendant - killed the attendant.

Q. Anything else about it? A. That they robbed the attendant and the customer. He admitted - he told his mother he shot and killed the customer and robbed him.

Q. At the conclusion of this conference what happened?

THE COURT: Maybe that is a good place to stop. You may escort the accused from the courtroom. May I have order?

Ladies and gentlemen of the jury, you are not to talk about this case with anyone, nor allow any one to talk to you about it. Should there be anything in the papers, you are not to read about it tonight. You can read the papers, but you must not read anything about this case. Should there be any comments on radio or television you will ignore them. When you come back tomorrow morning at 10:00 o'clcok, report to your jury room, if you will, and you report to the alternates' room. You are now excused until tomorrow morning at 10:00 o'clock. You may retire.

Adjourn court, Sheriff, until tomorrow morning at ten o'clock.

JUNE 19, 1957 - 10:15 A.M.

THE COURT: Bring up the accused, please. Has the attendance been taken?

ASSISTANT CLERK COBURN: Yes, Your Honor.

(Accused present)

THE COURT: Will you call the jury, Sheriff, and the alternates, please?

(Jury and alternates present)

THE COURT: Good morning ladies and gentlemen. Are you ready to proceed, Mr. Bill?

MR. BILL: Yes, Your Honor.

SAMUEL ROME, resumed the stand and testified further as follows:

MR. BILL: May I bring the Court and jury's attention to what took place when we closed, so that it will have some continuity?

THE COURT: Go ahead, Mr. Bill.

MR. BILL: "Was the New Britain matter discussed?

"A. Yes, sir, it was.

"Q. What did Joseph Taborsky tell his mother concerning that incident, if you remember? "A. He said that the other fellow shot the attendant, killed the attendant.

"Q. Anything else about it? "A. That they robbed the attendant and the customer. He admitted - he told his mother he shot and killed the customer and robbed him.

"Q. At the conclusion of this conference what happened?"

That's the question that was pending when court closed yesterday.

THE COURT: Now, for obvious reasons we have a fan here. I am sure that you don't disapprove of it but it may result in your not being able to hear, particularly toward the end of the jury box. If you have any difficulty will you let me know. Will you read the last question?

(Last question read by reporter)

A. Mrs. Taborsky left the room and I asked that Detective Vincent O'Brien and Captain Schwartz come in, in order that we might take a statement in writing from Joseph Taborsky.

DIRECT EXAMINATION BY MR. BILL: (RESUMED)

Q. And that was done? A. It was.

Q. And was a statement taken concerning the New Britain affair? A. Yes, sir, it was.

Q. And how was that taken? In what form?
A. Question and answer.

Q. And who gave the questions? A. I did.

Q. To Joseph Taborsky? A. Yes, sir.

Q. And he answered, was that it? A. Yes, sir.

Q. And was it taken by Detective O'Brien? A. Yes, sir.

Q. In question and answer form? A. Yes, sir.

Q. Now, I show you State's Exhibit DD for identification and ask you if you recognize that? A. Yes, sir.

Q. And what is it? A. That is the transcription made by Detective O'Brien of the statement taken in shorthand by him on the evening of March 1st.

Q. And have you been over this statement? A. Yes, sir.

Q. Before Court at some time? A. I have read that statement before.

Q. You have read that statement? A. Yes, sir.

Q. And can you identify it as being the statement of Joseph Taborsky that was given that Friday night,

March 1st? A. That is the statement.

Q. You look it over. Look over each page and be sure. A. Yes, sir.

Q. Is that the statement? A. That is.

Q. Now, was that signed by Joseph Taborsky? A. Yes, sir, it was, at a later date.

Q. And when? A. The following Sunday.

Q. That would be March 3rd? A. Yes, sir.

Q. At what time, about? A. I believe that it was in the afternoon, at the State Police Barracks.

Q. And who was present? A. I am not certain.

Q. Can you tell from the witnesses on the document? A. Yes, sir. Officer Frank Shea and Sergeant Donald Paige and myself.

Q. And he signed in your presence, did he? A. Yes, sir, he did.

Q. And what are these initials that appear on each page? A. Joseph Taborsky, after reading and I reading a copy of this aloud, initialed each page after he finished reading it.

MR. BILL: I offer that.

MR. BURKE: My objection is on the record, if Your Honor please, and I would object again.

THE COURT: Yes, and I have already ruled that I will admit it, so I will overrule your objection and admit it.

MR. BURKE: May I have an exception?

THE COURT: Yes, you may have one now if you need it, but in any event, you have taken an exception to that ruling and your exception may stand for the same reasons already in the record.

MR. BURKE: Yes, Your Honor.

THE COURT: Unless you feel that you should restate them.

MR. BURKE: No, my objection is based on the same reasons already given to the Court.

THE COURT: May be marked a full exhibit in the case of Joseph Taborsky.

(Statement of Joseph Taborsky, previously marked "State's Exhibit DD for Identification, Case No. 21665" received in evidence as a full exhibit.)

MR. BILL: If it please the Court, ladies and gentlemen of the jury, State's Exhibit DD, case No. 21665, Taborsky, reads as follows:

In the upper lefthand margin S-152-M, March 1st, 1957, 6:30 P.M.

"Interrogation of Joseph L. Taborsky at State Police Headquarters. Present: Capt. Schwartz, Lieut. Rome, Det. Sgt. Paige, Off. Reimer, Det. O'Brien and Joseph L. Taborsky. Questions Lieut. Rome. Answers Joseph L. Taborsky.

"Q. Where did you go from there? "A. New Britain.

"Q. Who drove? "A. He did.

"Q. Did you stop anywhere in New Britain?
"A. Yes.

"Q. Where? "A. Gas station.

"Q. For what purpose? "A. To get some money.

"Q. And this somebody drove - where did somebody park his car in that gas station? "A. At the gas pump.

"Q. Headed toward Hartford or New Britain?
"A. Toward Hartford.

"Q. What kind of gas? "A. It is a different kind of gas than you see in Hartford, I know that.

"Q. Do you remember the kind? "A. Flying arrow or flying horse.

"Q. It has some wings? "A. There is some kind of wings.

"Q. Riding toward New Britain, which side of the road? "A. Left.

"Q. You went into the place? "A. We got gas.

"Q. How much gas did you buy? "A. I don't know, because I didn't wait to find out.

"Q. How many persons were in the place? "A. One.

"Q. Just the attendant? "A. Yes.

"Q. How was he dressed? "A. I think he had a cap with a black visor.

"Q. Gas station attendant's cap? "A. I think it was.

"Q. How else was he dressed if you remember? "A. No, I can't.

"Q. And he was giving this friend some gas and you went into the station for what purpose? "A. I told him I wanted to go to leak.

"Q. Did you go to the toilet? "A. I went in and after I got in there the other guy came marching in.

"Q. With the attendant? "A. Yes.

"Q. Was the attendant obeying an order or coming in on his own? "A. Obeying an order.

"Q. Why was he obeying an order? "A. He was being forced to with a gun.

"Q. Someone who came to New Britain with you had a gun? "A. Yes.

"Q. What did this someone do? "A. Made him go into a room with oil cans.

"Q. What else was in that room? "A. I don't know because I didn't go in.

"Q. Did the someone with the attendant go into the room? "A. Yes.

"Q. Did you hear noises? "A. Yes.

"Q. What kind of noises? "A. Shots.

"Q. How many? "A. I think one.

"Q. And did that someone come out? "A. Yes.

"Q. Did the attendant come out? "A. No.

"Q. Did you look in to see what happened to the attendant? "A. I was told.

"Q. What were you told? "A. That he was under some cartons.

"Q. What were you doing when the shot was fired? "A. Looking for money.

"Q. Did you find any? "A. Yes.

"Q. Where? "A. The register.

"Q. Was the register open or closed? "A. I think it was closed because I couldn't open it for some reason.

"Q. Did you open it? "A. Yes.

"Q. With what, did you press a key or force it open? "A. I think it had to be forced open.

"Q. What did you do with that money? "A. Put it in my pocket and looked in the desk and found some

more money near the desk I think and looked through some boxes and things.

"Q. Search a cabinet? "A. Yes, we looked around.

"Q. You and the other fellow both looked around? "A. Yes.

"Q. And something else happened? "A. Somebody pulled up to the gas station.

"Q. What did you do? "A. I said 'Wait a minute and he will go away.'

"Q. Did he go away? "A. He stayed there and I waited a minute and went out and brought him in.

"Q. What kind of car? "A. I wouldn't remember the make, it was green, it might have been a Dodge. I don't know too much about the makes of cars.

"Q. Who was in the car? "A. Man and a child.

"Q. Was it male? "A. I think it was a girl.

"Q. How old? "A. 3 or 4.

"Q. Did you have a conversation with this man? "A. No.

"Q. You did say something to him? "A. Just told him to get in the toilet.

"Q. Force him? "A. Yes.

"Q. How? "A With a gun.

"Q. What kind? "A. I think it was a .38, it could have been a .32.

"Q. Where did you get this gun? "A. From somebody.

"Q. From the somebody that was with you? "A. Yes.

"Q. How many guns did you have on your person? "A. I only had one.

"Q. Did this man obey your order? "A. Yes.

"Q. Did he go in the toilet? "A. Yes.

"Q. You followed him in there? "A. Yes.

"Q. The gun still pointed at him? "A. Yes.

"Q. What did you do when you got in the toilet? "A. Shot him.

"Q. What part of his body? "A. The forehead or the side of the forehead.

"Q. Can you point? "A. Just above the ear.

"Q. Was he standing? "A. Yes.

"Q. Did he drop immediately? "A. Yes.

"Q. How many times did you shoot him? "A. Twice.

"Q. And both times in the same place, right around the same place, and he fell to the floor? "A. Yes.

"Q. Do you remember what position he landed in? "A. I think on his side.

"Q. Lying flat. "A. On his left I think.

"Q. Did you search this man? "A. I got his wallet before he went in there.

"Q. What point did you get his wallet? "A. As soon as I put the gun on him on the outside I took his wallet.

"Q. Outside the ga station you took his wallet, did any cars ride by? "A. No.

"Q. After this man dropped what did you do? "A. I said 'Let's go' and we went.

"Q. What did you do with the guns? "A. Had them with us.

"Q. What did you eventually do with the guns? "A. Gave it to somebody" -

That was singular. "what did you eventually do with the gun."

"Q. Did you go to someone's house? "A. Yes.

"Q. Was the money divided there? "A. Yes.

"Q. What was your share, what was the total? "A. It wasn't too much.

"Q. Was it $10.00 or $100.00 or $200.00? "A. It was near $100.00, I don't know.

"Q. You got half? "A. Yes.

"Q. Did someone also take a wallet from the person, the attendant he shot? "A. Yes.

"Q. How much was in that? "A. It wasn't much I don't believe.

"Q. Do you remember how much was in the wallet you took from your man? "A. $4.00.

"Q. What did you do with the wallets? "A. Somebody else got rid of them.

"Q. What did you do with the guns? "A. I gave them back to this person.

"Q. Did you tell him to get rid of it or just hide it? "A. He said he would get rid of it."

In handwriting is the following: "I have read the above statement of eight pages and state that it is true. Joseph L. Taborsky. Witness: Samuel Rome, Donald Paige, Frank Shea. No. 254.

Q. Now, Lieutenant, was the taking of this statement all that was done that evening of March 1 in relation to this New Britain incident? A. Yes, sir.

Q. And what happened, if anything, on Saturday, the next day insofar as Taborsky was concerned? A. I can't recall at this moment.

Q. Did you at anytime visit —

MR. BURKE: I object to this as leading.

Q. I will ask a general question, Your Honor. Regardless when it was, did you at anytime visit Kurp's gas station with Taborsky? A. Yes, I did.

Q. When was that? A. The following day, Saturday.

Q. And who went with you? A. Captain Schwartz, Detective O'Brien and Detective Joseph Jasonus.

Q. Were any New Britain Police Officers there present when you arrived? A. They met us in New Britain - Captain Joseph Kelly and Sergeant Stephen Coffey and others.

Q. What happened, if anything, when you got to the station with Taborsky? A. Taborsky directed us down Stanley Street, told us they went passed the station and the other fellow turned his car around and turned into the station. He told us where they parked their car - told us to park our car just where he said the other fellow parked the car on the night of December 15th.

Q. Where was that? A. Between the pumps and the gas station, headed north toward Hartford.

Q. Continue. A. We stepped out of the car into the gas station, and he pointed to the door straight ahead which led - I knew led to the boiler room - and he said

that was where the other fellow took the attendant, so then he showed us the place in the toilet where he had taken the customer and showed us the corner as you enter this toilet and to the left or on the northeast wall where the attendant stopped where we had previously found a spot of blood on it - on the wall - and pointed to that corner and he said that is where he shot the attendant and showed us where the attendant - the customer, rather, fell.

Back in the station itself he commented on the fact that the station was changed a bit, that the cash register now wasn't where it was the night he and the other fellow went up to the station and held it up, and that the stacks of tires that were there that night were not present in the same position.

Q. Anything further? A. He showed us outside again where the other fellow - the customer - had parked his car with the child in it, and then he told us the direction of travel back to Hartford.

Q. What direction did he explain to you as to the position of the car of the customer? A. The customer's car was parked in the opposite direction, headed toward the center of New Britain, and their car was on the inside of the pumps between the pump and the gas station headed toward Hartford.

MR. BILL: Your witness.

THE COURT: Mr. McDonough?

CROSS EXAMINATION BY MR. McDONOUGH:

Q. Lieutenant, Wednesday afternoon, when Culombe signed the confession that has been admitted into evidence before the jury, his signing of this confession was the result of his cooperation on that day, wasn't it? A. I didn't hear the first part of the question.

THE COURT: Read it, Mr. MacGlashan.

(The reporter read the question.)

A. Yes, sir.

Q. That was the turning point in the solution of this New Britain murder case, wasn't it? A. No, sir.

Q. I beg your pardon? A. No, sir.

Q. Will you keep your voice up? I am deliberately asking questions from this point, Lieutenant, so that everyone up this end of the courtroom can get your testimony - not to make it more difficult.

Culombe's confession on Wednesday afternoon made the work of you and your detail of police a great deal easier, isn't that true? A. That is true, yes, sir.

Q. And it eventually led to a confession by Taborsky?
A. Taborsky eventually confessed.

MR. BURKE: I object to that. It doesn't have any place in Culombe's case.

MR. McDONOUGH: This isn't Culombe's case anymore. It is the case of State against Culombe and Taborsky.

THE COURT: I will sustain his objection insofar as it applies to State versus Taborsky, and it is the same situation almost as I discussed with you yesterday. This evidence Mr. McDonough is now developing is to be considered on in the case of State versus Arthur Culombe and to be disregarded by the jury entirely in the case of State versus Taborsky, concerning which I will tell you more in the charge.

MR. BURKE: That question was for the purpose of helping Culombe. I will note an exception to Your Honor's ruling.

THE COURT: Yes. I didn't sustain the objection to the question in your case, Mr. McDonough.

MR McDONOUGH: Then I want it read if I can get it into the record.

THE COURT: You may have the exception, Mr. Burke. Would you read the question again, Mr. MacGlashan?

(The reporter read the question.)

Q. Is that right, Lieutenant? A. That is correct.

Q. Now in your testimony under examination by Mr. Bill you said that Culombe's wish was that he stay with you at the barracks. Tell us just what Culombe said in respect to that. A. Culombe said he wanted to continue to cooperate and he would prefer to stay at the barracks.

Q. Did he give reasons for preferring to stay at the barracks? A. Yes.

Q. What was the reason he gave? A. He felt he would be safe from Taborsky.

MR. BURKE: May I have that stricken, Your Honor? It is prejudicial —

THE COURT: You don't need to argue. It may be stricken and the jury will disregard it and that evidence is not to be considered by them at all in the case of State versus Taborsky and is limited to the case of State versus Culombe.

MR. McDonough: But it does stay in the Culombe case?

THE COURT: That is just what I meant to say.

MR. McDONOUGH: That is all.

CROSS EXAMINATION BY MR. BURKE:

Q. Lieutenant, you first picked up Taborsky on Saturday afternoon, did you not? A. I did not.

Q. You had him picked up and brought to your office at the barracks? A. Yes, sir.

Q. And from that point he was in your custody? A. From the time of his arrest he was in my custody.

Q. He was in your custody in the afternoon, was he not, at the barracks? A. I didn't consider it so, no, sir.

Q. He wasn't free to move around and leave as he pleased? A. I thought he was.

Q. You would permit him to go out of the place if he wanted to? A. I don't know. He wasn't in my custody. He was not under arrest.

MR. BURKE: May I have the answer stricken and the question read?

THE COURT: Yes, the answer may go out as not responsive. Read it, Mr. MacGlashan.

(The reporter read the question.)

A. Yes.

Q. Now, that night he was then placed under arrest by you, Lieutenant? A. That is right.

Q. And you told him the reason he was being placed under arrest? A. I did.

Q. Did you tell him the charge for which he was arrested? A. Yes, sir.

Q. What was the charge? A. Suspicion of a felony.

Q. And you then locked him up in a cell shortly thereafter? A. He was locked up, yes.

Q. You have a log book, do you, Lieutenant, which shows when men are locked up and why they are locked up when the police lock them up? A. Yes, sir, the barracks has a log book, but the Special Services Division

doesn't necessarily follow the practice of the barracks. We have a log book.

THE COURT: I don't think you heard the last part of that, Mr. Burke. Will you read it?

(The reporter read the last answer.)

Q. You made no notation at all of your retention of him, did you, Lieutenant? A. No, only in my final report to the State's Attorney.

Q. I am asking about the log book, did you make a notation in the log book? A. No, sir.

Q. You didn't present him in Court on Monday, did you? A. No, sir.

Q. Now, Saturday and Sunday nights he was in the State Police barracks? A. Late, that is, yes, sir.

Q. And in that cell there wasn't any facility for cleaning up, was there? A. Yes, sir, there was.

Q. Was there a stopper in the sink? A. There was material you could use for a stopper.

Q. Was there a stopper in the sink, Lieutenant?
A. Not what you would call a stopper, no, sir.

Q. And the sink has a plunger that you must push with your hand to draw the water? A. Yes, sir.

Q. So that unless you were able to hold your hand on the faucet and wash with your other hand, you couldn't wash, could you? A. No, sir.

Q. And he couldn't wash himself for two days, could he? A. Yes, sir.

Q. And he complained to you in the morning of being cold? A. No, sir.

Q. And dirty? A. No, sir.

Q. Didn't you testify he did complain and you gave him a blanket? A. I testified he said he had only one blanket and I gave him another one.

Q. You testified he said he was cold and you went into the next cell and got him another blanket? A. I don't recall that testimony.

Q. We will check it. Anyway you didn't present him before any Magistrate or other authority as the statute provides on Monday, did you?

MR. BILL: Objection, Your Honor.

THE COURT: I will sustain the objection on form.

Q. Did you present him to any Magistrate or other proper authority on Monday? A. I brought him to the New Britain Police Department where he was booked.

Q. Did you bring him to Court in Hartford? A. No, sir.

Q. Did you bring him to Court in New Britain?
A. Yes, sir, on Tuesday.

Q. You didn't take him to New Britain on Monday?
A. I am sorry - not on Monday.

Q. You knew the Courts were open, didn't you?
A. I could gues they were.

Q. You knew the statute says you must promptly bring him before a proper authority, you knew that, too, didn't you? A. That I know, yes, sir.

Q. You brought him to the Police Station you say?
A. Yes.

Q. And had him booked on breach of the peace?
A. Yes, sir.

Q. And the Court issued a mittimus, didn't it?
A. No, sir.

Q. The Court didn't issue a mittimus? A. Not on Monday.

Q. When did it issue a mittimus? A. On Tuesday.

Q. On Monday, then, where did you take Taborsky after this booking at the Police Station?

THE COURT: Will you read that question, Mr. MacGlashan?

(The reporter read the question.)

A. Over to the State Police barracks.

Q. You took him into the gas station in New Britain, didn't you? A. No, sir, didn't stop at the gas station.

Q. You went into it - into the yard? A. Yes.

Q. To take a look around? A. Yes.

Q. And you had him look into this station, too, didn't you? A. No, sir.

Q. Then after you left the station you went back to Hartford to the barracks? A. Yes, sir.

Q. And kept him in the barracks that night?
A. Yes, sir.

Q. Did you tell him he was under any kind of bond?
A. Yes, sir.

Q. When did you tell him that, Lieutenant?
A. In the New Britain Court.

Q. I am talking about Monday, Lieutenant. The Court was on Tuesday. Did you tell him on Monday he was under any bond? A. Yes, sir.

Q. What time did you tell him? A. Before he was booked.

Q. Who told him? A I am of the opinion the desk sergeant did.

Q. Did you tell him? A. I don't recall having told him.

Q. You didn't tell him, did you, Lieutenant? A. I don't recall.

Q. You didn't? A. I don't recall.

Q. You took him back and locked him up again, didn't you? A. I did.

Q. And then on Tuesday you took him over to New Britain to the Court? A. Yes, sir.

Q. And in the Court he didn't plead to anything, did he? A. To my recollection I don't know.

Q. You were there, weren't you? A. I was.

THE COURT: Wait a minute, Mr. Burke. Sheriff, we can't have that.

(The reporter read the last question and answer.)

Q. Didn't you see what was going on, Lieutenant? A. I saw what I was looking for.

Q. Did you see him presented to the Judge? A. I don't recall.

Q. You don't recall that. Did you see him taken out of the cage at all? A. I had him removed from the cage.

Q. I am not talking about that - I mean to be presented to the Court? A. No, sir.

Q. Did you at that time tell him what his bond was? A. In the presence of his mother and sister Joseph Taborsky and I - I discussed with his mother —

MR. BURKE: May I ask that the answer go out and may I have the question?

THE COURT: Well, I don't know whether he finished.

Had you finished Lieutenant?
A. No, sir.

Q. Would you finish it? A. Discussed the feasibility of calling an attorney.

THE COURT: All right. Now do you want to renew your motion?

MR. BURKE: Yes, Your Honor.

THE COURT: I will grant it and you may read the question.

(The reporter read the question.)

A. Yes, sir.

Q. Where did you tell him? A. At that time in the prosecutor's office.

Q. How much did you say his bond was?
A. Twenty-five thousand dollars.

Q. You told him that there? A. Yes, sir.

Q. And then you took him out of there and brought him back to Hartford? A. Yes, sir.

Q. You got a mittimus from the Court, didn't you?
A. Yes, sir.

Q. To lock him up in the County Jail? A. That is correct.

Q. Did you lock him up in the County Jail? A. Yes, sir.

Q. You brought him back to the barracks, didn't you?
A. Yes, sir.

Q. How long did you hold him before you took him to the jail? A. The number of hours I don't know, but he was locked up that night.

Q. You didn't commit him to a jail under the Court's order? A. I felt I did.

Q. Until that night? A. Yes, sir.

Q. All right. Now, you have him in the jail and you let him alone then until Thursday, sometime, didn't you? A. Yes, sir.

Q. And brought him over here? A. First to the barracks.

Q. All this time he was asking for an attorney, wasn't he? A. No, sir.

Q. Didn't ask for any at all? A. He did not.

Q. You knew he was in trouble before, didn't you? A. I had heard.

Q. Didn't he tell you he wanted Nathaniel Bergman for a lawyer? A. He did not.

Q. You want the Court and jury to believe that man didn't ask for a lawyer all the time he was there with you, Lieutenant? A. Yes, sir, that is the truth.

Q And you brought him back to the barracks when - Thursday - Friday? A. He was returned to the barracks Thursday afternoon. I am sorry - he was returned to the County Jail Thursday afternoon from the barracks.

Q. And where did you hold him on Thursday - during Thursday morning over at the barracks? A. He was brought to the barracks Thursday morning and he was brought to Court here later Thursday morning and returned to the barracks after Court and later that afternoon - early in the afternoon - he was returned to the Hartford County Jail.

Q. Let me ask you this question, Lieutenant: At any time did you have a mittimus issued for you to take him from the jail without an order of the Court? A. No, sir.

Q. Do you have the order of the Court with you? A. No, sir.

Q. Where is it? A. I had a verbal order - an indirect order.

Q. You got it from a policeman, didn't you? A. I got it from Captain Kelly of the New Britain Police Court.

Q. He is not the Judge of that Court? A. He brought me a message from the Judge of that Court, yes, sir.

Q. Let me ask you this question, Lieutenant: Did you get any kind of an order from the Court - I am not asking about Kelly or anybody else but the Court - to take him from the jail? A. Yes, sir.

Q. And it was a verbal order from the Court you received? A. Yes, sir.

Q. Well, you finally brought him over to the barracks, didn't you, Friday afternoon about five o'clock or five-thirty? A. Yes, sir.

Q. At that time you had sent for his mother, hadn't you? A. She requested to come to the barracks, yes, sir.

Q. So you went out and got her in a car? A. No, sir, I afforded her transportation to the barracks.

Q. You sent a car after her, didn't you? A. That's correct.

Q. That's transportation? A. I didn't get her, sir.

Q. So you had her brought to the barracks? A. We gave her transportation to the barracks, yes, sir.

Q. When you got her to the barracks I think you testified that you prepared her to meet her son, didn't you?

A. I explained to her that her son was in the next room and she would have this opportunity to talk with him.

Q. That's what you testified before under oath, Lieutenant. You said that you prepared her. A. I may have used the word "prepared", yes, sir.

Q. And you prepared her for about a half an hour, you said? A. Or less. I don't believe that I testified a half hour.

Q. Did you say in the record "fifteen to thirty minutes?" A. Fifteen to thirty minutes would be more like it, yes, sir.

Q. And after you got her prepared you had Joseph brought up from the cell somewhere, didn't you, or in a room, or something? A. Yes, sir.

Q. Had him handcuffed to a chair, didn't you?
A. No, sir.

Q. Did you have him handcuffed to anything?
A. To himself.

Q. And then you brought his mother in? A. Yes, sir.

Q. She was a pitiful sight, wasn't she? A. I don't get your question. I don't understand the question.

Q. You understand what a pitiful sight is? A. Yes.

Q. I am asking you that question? A. I don't understand you. You are making reference to -

Q. Did she look like a pitiful sight to you when she came in to face her son? A. I didn't think so, no, sir.

Q. She was composed and calm? A. I wouldn't say that, no, sir.

Q. Highly emotional? A. No, sir.

Q. Nervous at all? A. I am certain that she was nervous, but this was the first time I ever saw the lady,

outside of New Britain Court and I didn't know whether or not this was her normal composure.

Q. She looked the same as she did in New Britain?
A. Pretty much the same, yes, sir.

Q. She wasn't emotionally upset or anything at all after you prepared her? A. That's one of the reasons for talking to her, to make certain she would not become hysterical and be a burden to us.

Q. Another reason was to convince her her son was guilty and get her to get him to confess, wasn't that another reason? A. I don't think that she needed any convincing, Mr. Burke.

Q. I asked you if that was a reason you used?
A. You will have to read that question again.

Q. Read it, Mr. Burke.

(Repeated by reporter) "Another reason was to convince her her son was guilty and get her to get him to confess, wasn't that another reason?"

A. I couldn't follow those words exactly, Mr. Burke.

Q. It is difficult to follow? I will withdraw the question. Let me ask you this simple question: You used her to get the confession, didn't you? A. It so happened that she was helpful in my obtaining a confession.

Q. But you used her to get it, didn't you, Lieutenant?
A. "Used" is a strong word. Yes, sir.

Q. Now, you knew, did you not, from talking to Joseph, of his great affection for his mother? A. Yes, sir, I did.

Q. Now, after she faced her son he completely broke down, didn't he? A. After a while, yes, sir.

Q. He cried? A. Sobbed.

Q. Then he told you the story that you wanted to hear, didn't he? A. He told his mother the story that we believed and later found out was the truth.

MR. BURKE: May I have the question and the answer, Your Honor? I think the question is not responsive.

THE COURT: I can't hear you. You want it read?

MR. BURKE: Please.

THE COURT: Read it, Mr. Burke.

(Last question and answer read by reporter)

MR. BURKE: May I have that stricken?

THE COURT: The answer may go out. Read the question, Mr. Burke.

(Last question again read by reporter)

MR. BILL: Objection, Your Honor.

THE COURT: I think the question is all right, but the witness need not answer "yes" or "no". He can answer it in his own way, but it must be a responsive answer. I will overrule the objection. You may answer it, Lieutenant, if you can. A. The answer is "yes".

Q. Now, this statement DD here, this confession, so-called, that you obtained, are all these words Joseph Taborsky's words? The answers, I mean? A. Yes, sir.

Q. He never did mention anybody's name? A. If he did it would have been taken in shorthand notes and been transcribed.

MR. BURKE: May I have the question read?

THE COURT: The answer may go out as not responsive. Lieutenant, if you understand the question you should answer it. If you don't, you may say so. Would you read the question, please, Mr. Burke?

(Last question read by reporter)

A. I don't understand the question.

Q. You understood it the first time, didn't you, Lieutenant? I will reframe it for you. Did he name anyone who was with him? Did he say that John Smith was with him, or anybody else's name? A. No, he did not.

Q. He always said "the other man" as it appears in this statement? A. Yes, sir.

Q. And you didn't ask him who the other fellow was? A. No, sir, not at that time. On the first time he told the story. I asked him. He would not mention the other man by name. He would not mention Culombe by name. So when we got to taking the statement in question and answer form I knew better and let him go along with the giving of his own statement.

Q. How long have you been a policeman, Lieutenant? A. Over nineteen years.

Q. And you didn't ask him, when you too this confession, who the other fellow was? Is that what you want us to believe.

Q. You were content to take this "other man" story as it is recited here? A. I was content to take a true statement from Joseph Taborsky.

Q. While this was going on you were prompting him pretty well, weren't you? A. I asked the questions.

Q. And you suggested the answers? A. Nothing other than is in that statement.

Q. Well, you knew that he didn't know anything about what kind of gas was sold at that station, didn't you?

A. I thought that he did, because when we were - we drove into the station from New Britain, the first time, I asked him to look around, and without looking

around, without changing - casting his eyes in any other direction, looking straight ahead, he said that he had never been here before. I felt that he should know the brand of gas. He did drive an automobile.

Q. And when you had him in New Britain in the station you noticed that little detail, his eyes were straight ahead? A. I commented to him at the time. Yes, sir.

Q. You commented? A. Yes, sir when he wouldn't look around, he says he had never been here before, I said "Look around and make certain."

Q. When he gave you the statement he still didn't know what kind of gas it was? He says here, page 2: "Flying arrow or Flying horse?" A. That's right.

Q. And you suggested that it had some wings? A. Yes, sir, I didn't suggest it. I asked him the question.

Q. What's that? A. I asked him that question.

Q. "It has some wings." It says here, page two. A. Yes, sir.

Q. That's a question? A. I meant it to be a question.

Q. After this statement was taken he was in pretty bad shape, wasn't he, semi shock, condition of semi shock? Do you understand that question, Lieutenant, or don't you? A. He gave me, a policeman, no indication that he was in shock or semi shock, no, sir.

Q. He was in pretty good shape, calm, cool? A. No, sir, I wouldn't say that, no, sir.

Q. So after you took him out of there, wherever you took him, where did you take him? Down to the county jail again. A. He went back to the county jail.

Q. Let me ask you this one more time. All the time that you had Taborsky, never once did he ask for a lawyer right up until the time that he signed this question and answer thing? A. Not of me. He asked the Court. Not of me. No, sir.

Q. Didn't ask you at all? A. No, sir.

Q. That's the way that you want to leave it? A. That's the way that it is, Mr Burke.

MR. BURKE: That's all I have from this witness.

THE COURT: Anything further, Mr. Bill?

REDIRECT EXAMINATION BY MR. BILL:

Q. At New Britain at the court on Tuesday you said that there was present Taborsky's mother and his sister? A. Yes, sir.

Q. And I think that you testified that there was some conference there. Was anything said about a lawyer at that group meeting? A. Yes, sir.

Q. And who said what? A. Mrs. Taborsky asked her son whether or not she should get a lawyer through her minister, and Joseph told his mother in my presence that he does not need a lawyer, he does not want a lawyer.

Q. Now, what did you mean by that incident of Friday night? You say that the mother called up and she was transported to the barracks. There was some expression about you met with the mother and prepared her. What did you mean by "you prepared her?" A. I talked to Mrs. Taborsky. I wanted to satisfy myself she was not going to hurt my investigation and also that she was not the hysterical type, someone who would go in the room with a son and cry, become hysterical and I'd have to get a doctor or have her removed to a hospital become a burden to us. I explained to her about it and

she was pretty much convinced, she said that she wanted to talk to her son and get the truth from him.

Q. She wanted to get the truth? A. Yes, sir.

Q. Is that what she told you? A. That is exactly what she told me, Mr. Bill.

MR. BURKE: Now, I am going to move that this be stricken unless it can be shown that what she told him was in the presence of Joseph.

THE COURT: Well, it wouldn't be, but I'll admit it only for the purpose of explanation of the story. On cross examination you have gone into the use of the word "preparation", what he meant by it.

MR. BURKE: May I have an exception?

THE COURT: Surely.

Q. And in the conference with Joseph later, did she ask him to tell the truth? A. She did. She begged him to tell the truth.

Q. She begged him to tell the truth? A. Yes, sir.

MR. BILL: Your Honor, I would like to introduce now State's Exhibit CC for identification, which are the proceedings in the case of Joseph L. Taborsky before Judge Bordon on Thursday morning, February 28th, 1957.

THE COURT: Mr. Burke?

MR. BURKE: I would like to ascertain the purpose of the offer.

THE COURT: State the purpose, Mr. Bill.

MR. BILL: The purpose is to show, as will be shown from the proceedings, that the matter of warning Joseph Taborsky of his Constitutional rights, which is number one; arranging for an attorney, which is number two; and placing

him under a court order, Taborsky, in the custody of Commissioner Kelly for the further purposes of investigation.

THE COURT: What do you say, Mr. Burke?

MR. BURKE: I object to it, Your Honor.

THE COURT: What is the objection?

MR. BURKE: The objection is that it has no relevancy here, and on top of that I don't see - I say it is hearsay, number one. I say, number two that it is not relevant.

MR. BILL: May I answer that, Your Honor.

THE COURT: Yes.

MR. BILL: Of course, this isn't hearsay. The accused stood up here in this courtroom and heard the judge warn him of his Constitutional rights, and all the things that were said here were said to the accused by the Court.

THE COURT: May I look at it again, Mr. Bill?

MR. BILL: You would like to look at it?

THE COURT: Yes, because my recollection is that there are some things there that perhaps are not relevant.

THE COURT: I will overrule the objection.

MR. BURKE: May I have an exception.

THE COURT: Yes. It may be marked State's Exhibit CC in full in case number 21,655, the Taborsky case.

(State's Exhibit CC for identification marked a full exhibit - proceedings in Superior Court on February 28, 1957.)

MR. LABELLE: If it please the Court and ladies and gentlemen of the jury, State's Exhibit CC is:

No. 2165

State	Superior Court
v	County of Hartford
Joseph L. Taborsky	Fedurary 28, 1957

Before: Hon. Abraham S. Bordon, Judge.

Appearances:

Douglass B. Wright, Esq., For the State — The Accused - pro se

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MR.WRIGHT: Your Honor will recall that early this morning a bench warrant was issued in this case and this bench warrant has now been served and I have the endorsement of the state police officer who served the bench warrant. Joseph L. Taborsky is now before the Court and at this time, Your Honor, I make a motion to the Court that Sheriff Potter be commanded to release Joseph L. Taborsky into the custody of John C. Kelly, Commissioner of State Police, or his deputy, for the purpose of further investigation, following which investigation said Joseph L. Taborsky shall be returned to the Hartford County Jail. At this time, Your Honor, I imagine that it is encumbent upon the Court to hear from Joseph L. Taborsky as to his wishes in the matter.

THE COURT: Taborsky, you have been arrested pursuant to a bench warrant by this Court. Under this warrant you are charged with murder in the first degree. You have certain rights which you are entitled to assert. The federal, state constitutions and the laws of this state give you certain rights and immunites which you are entitled to have observed. You don't have to speak or say anything if you don't wish to do so. You cannot be forced to to do so by the police. First of all, do you have an attorney?

THE ACCUSED TABORSKY: No, sir.

THE COURT: Do you wish to select an attorney of your own or do you wish the Court to assign an attorney to you?

THE ACCUSED TABORSKY: If you assign one right this minute, yes.

THE COURT: Whom do you wish? Do you have any choice?

THE ACCUSED TABORSKY: I have a choice but I don't know if he would be available.

THE COURT: Who is your choice?

THE ACCUSED TABORSKY: Nathaniel Bergman.

THE COURT: You don't know whether he is available or would wish to act for you?

THE ACCUSED TABORSKY: I don't know.

THE COURT: Well, Mr. Bergman will be contacted and it will be ascertained whether he wishes to represent you. If he does not you may select anyone else that you wish, or the state will assign one to protect your rights. If Mr. Bergman is not available do you wish the public defender to act for you - Mr. Cosgrove?

THE ACCUSED TABORSKY: No, sir.

THE COURT: Now, in the course of the investigation by the police of the crime with which you are charged it may be necessary for them to ask you questions. You do not need to answer those questions unless you wish to do so voluntarily. Do you wish to cooperate with the police in their investigation or do you wish to stand on your rights and say nothing?

THE ACCUSED TABORSKY: I don't know anything, sir.

THE COURT: All right. Why do you feel that you need this motion, Mr. Wright?

MR. WRIGHT: Your Honor, Lieutenant Rome of the State police is here to tell the Court why but in general the facts are that there many crimes involved in several different localities and certain things to be checked and therefore they wish to take this man around the various places.

THE COURT: I will hear Lieutenant Rome.

MR. WRIGHT: Lieutenant Rome, take the stand, please.

THE COURT: Have Taborsky sit down here.

THE CLERK: Shall I swear him, Your Honor?

THE COURT: Yes.

SAMUEL ROME, having been first duly sworn by the Clerk, testified as follows:

BY THE CLERK:

Q. What is your name? A. Samuel Rome.

Q. Where do you live? A. In Bloomfield, Connecticut.

BY MR. WRIGHT:

Q. Your occupation, sir? A. State Policeman.

Q. Your rank? A. Lieutenant.

Q. Have you been working on this case involving Joseph Taborsky? A. Yes, sir, I have.

Q. Is it your desire to take Joseph Taborsky from the County Jail to make further investigation? A. Yes, sir, it is.

Q. Will you tell the Court why? A. Your Honor, there are several crimes committed in this county which need further investigation and from time to time we feel

it will be necessary to have the accuser meet the accused here and give him an opportunity to deny or affirm any bit of information or evidence we might obtain, and should Joseph Taborsky at any time wish to cooperate we want to give him that opportunity.

Q. How would you treat this man in your custody? A. The same as he has been treated since we first arrested him, and that is the treatment, the best we could give or afford any prisoner.

Q. Would you return him to jail at night or where would you keep him at night time? A. Depending upon his situation. It is my opinion now he would be returned to the County Jail at night.

Q. Would he receive regular meals? A. Yes, sir.

Q. Would he receive rest from questioning? A. Yes, sir.

Q. You understand that he does not have to talk to you unless he wants to? A. I do.

Q. All right, Lieutenant.

MR. WRIGHT: Does the prisoner Taborsky wish to ask any questions?

THE ACCUSED TABORSKY: Would I be able to wash up like I haven't been able to for almost a week?

THE WITNESS: If you had made that request it certainly would have been complied with. I don't know that you have made such a request.

THE ACCUSED TABORSKY: Well, you can see my beard on my face.

Q. Will you give this man every opportunity to wash up and shave and rest? A. The same as the police officers. He has had his rest and opportunity to clean and attend to his toilet the same as the officers who were investigating him.

Q. Would you accede to all his reasonable requests?
A. Yes, sir.

MR. WRIGHT: Any further questions, Taborsky?

THE ACCUSED TABORSKY: I would like to have an attorney at the police station.

THE COURT: We will contact the attorney whom you mentioned - Mr. Bergman. If he does not wish to act for you you will notify the police whom you wish other than Mr. Bergman. If Mr. Bergman wishes to act for you he will act for you and he will see to it that all your rights are protected. If Mr. Bergman does not wish to act you will notify the police whom you would like to represent you. Do you have anybody else in mind in the event Mr. Bergman is unwilling to act?

THE ACCUSED TABORSKY: I have no money so if Mr. Bergman declines to represent me there is no attorney that would just come down on my say so, and I definitely don't want the public defender, so - -

THE COURT: If you will select one other than Mr. Bergman or Mr. Bergman I will appoint him as public defender to act for you and to protect your rights. I want to make sure that whoever is acting for you, if he is available, is someone whom you want to act for you. I will have Mr. Bergman contacted immediately.

THE ACCUSED TABORSKY: Well, - excuse me.

THE COURT: And if he wishes to act, why that will settle the matter. You will have Mr. Bergman, but if he

doesn't wish to you may make your wishes known as to an alternate. Do you have anybody in mind now?

THE ACCUSED TABORSKY: Mr. Burke or Mr. McDonough.

THE COURT: You mean Wallace Burke?

THE ACCUSED TABORSKY: Yes, I believe that is his name.

THE COURT: I don't believe Mr. McDonough will be available to you right now, but if Mr. Bergman is unwilling to assume the defense of this case we will contact Mr. Burke. If he is willing to, why we will see that he gets in touch with you as quickly as possible.

THE ACCUSED TABORSKY: Thank you.

THE COURT: Do you wish to ask any other questions of the officer?

THE ACCUSED TABORSKY: No, I believe not.

THE COURT: I believe it is important for the state to have this man available to the police department for further investigation of the case against this man and any charges that are being made.

MR. WRIGHT: I bring to Your Honor an order which has been drawn and ask that the Court pass this order. I will hand a copy to Taborsky.

THE COURT: Now, Taborsky, I am passing an order now ordering the sheriff to release you in the custody of

Commissioner Kelly for the purpose of further investigation of the case against you. In the course of the investigation made by the police you have all the rights that I have already indicated. You need make no statement. Anything that that you do say or any statement that you do make may be used against you in the trial of the case against you, but you are not required to make any statement. In fact, I will admonish the police to use no force or make you no promises or do anything which will obtain a statement from you that is involuntarily. If you wsh to make any statement voluntarily you may do so. If you don't wish to do so you may keep quiet and say nothing and nobody can make you do anything or say anything, and I am sure that the police will observe all your rights. You will be treated, I am sure, properly and accorded all the rights the law entitles you.

"The motion of the State's Attorney is granted."

MR. BURKE: May I again ask Your Honor to strike that and admonish the jury not to pay any attention to it in that it is prejudicial in that it mentions other crimes, I want it as a further ground in the record.

THE COURT: Insofar as it mentions other crimes I will grant the motion to strike.

MR. BURKE: I feel the whole thing is prejudicial and the harm has been done, but I want that in the record anyway.

THE COURT: So far as it refers to other crimes, if it does, and I believe it does, I will strike it out and instruct

the jury they are not to consider this fact at all. We are only concerned in this trial, insofar as this trial is concerned, with the case of State versus Joseph Taborsky under the indictment he is being tried under. The rest of the motion I will deny.

MR. BURKE: Exception

THE COURT: Surely.

MR. BILL: At this time, Your Honor, I would like to offer as a full exhibit Taborsky Defendant's Exhibit 3 for identification. That is the warrant and proceedings in the New Britain Police Court.

THE COURT: Any objection?

MR. BURKE: Are you offering it as your exhibit or mine?

MR. BILL: As mine.

THE COURT: Is there any objection?

MR. BURKE: No, we are agreed.

THE COURT: This will be Exhibit HH. Is it marked Defendant Taborsky's Exhibit for idenification?

MR. BURKE: Yes.

THE COURT: That may be stricken off and it may be marked State's Exhibit HH in the case number 21,665.

(Warrant and proceedings in New Britain Police Court marked State's Exhibit HH.)

THE COURT: You don't want to read that, do you?

MR. BILL: I just wanted to point out some of the pertinent facts. I am not going to read them all.

If the Court please, and the ladies and gentlemen of the jury State's Exhibit HH in the Taborsky case, 21665, is the original warrant in the New Britain Police Court. The complaint is breach of the peace and the date is 2-26- it says here. The plea is - none. Adjourned to March 5, 1957 at nine o'clock. Bond twenty-five thousand dollars. Ultimate disposition: nolle.

Is there anything else in there you want to read?

MR. BURKE: I would just like to get it straightened out - this isn't the original, is it?

THE COURT: It is a certified copy?

MR. BILL: Yes, Your Honor.

THE COURT: Other than that?

MR. BURKE: Other than that, it has to do with breach of the peace which, as far as I can see, is not ruled on.

THE COURT: Other than that, you don't want to make any other comment at this time.

The accused may be escorted from the courtroom. Step down. The alternates may be excused and the jury too.

Recess, Sheriff.

(Recess at 11:30 A.M.)

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